Chapter 13

Library Capital Projects Fund (LCPF)

On March 19, 2012, Governor Mitch Daniels signed into law House Enrolled Act 1072 ("HEA 1072"). Section 124 of HEA 1072 amends IC 36-12-12-5 so that a library board is no longer required to submit its resolution establishing a capital projects fund ("CPF") and its CPF plan to the Department of Local Government Finance ("Department") and the Department can no longer require that a Notice of Submission be provided to taxpayers.

Instead, if the library board passes a resolution establishing a CPF and the appropriate fiscal body or bodies approve the CPF plan, the library board must publish a Notice of Adoption in accordance with IC 5-3-1-2(i).

Ten or more taxpayers who will be affected by the adopted plan may file a petition with the county auditor of a county in which the library district is located not later than ten days after the publication of the Notice of Adoption. The petition must set forth the taxpayers' objections to the proposed plan and the county auditor must immediately certify the petition to the Department.

This amendment takes effect July 1, 2012.

A. How can the LCPF be used?

1) A facility used or to be used by the Library District
   (a) planned construction, repair, replacement or remodeling
   (b) site acquisition
   (c) site development
   (d) repair, replacement or site acquisition that is necessitated by an emergency
2) the purchase, lease or repair of equipment to be used by the Library District
3) The purchase, lease, upgrading, maintenance or repair of computer hardware or software including hiring a computer expert to manage the computer operations, purchase and/or subscription to online databases

B. How does one do the bookkeeping of a Library Capital Projects Fund?

The LCPF is set up as a separate ledger account using the same format as a gift fund, 3 columns: received, disbursed, and balance.

If more detail is wanted, a separate hand or computer ledger with columns for each LCPF line item can be set up in the same format as the Library Financial and Appropriation Record.

A sample of the Library Financial and Appropriation Record can be found in the Appendix (A-1) of the Accounting and Uniform Compliance Guidelines Manual for Libraries (reissued 2010).

New legislation in 2012 session eliminates the need to submit the plan to the DLGF with the advertisement requirements. These duties are conducted by the County Auditor.

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE

INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE N1058(B)
INDIANAPOLIS, IN 46204
PHONE (317) 232-3777
FAX (317) 924-1629

MEMORANDUM

TO: **Library Directors**

FROM: **Dan Jones, Assistant Budget Director**

SUBJECT: **Library Capital Projects Fund (IC 36-12-12)**

DATE: **June 26, 2013**

INTRODUCTION

The purpose of this Bulletin is to outline the provisions governing the Library Capital Projects Fund ("LCPF"). This Bulletin supersedes all previous LCPF Bulletins and includes a Glossary of Terms and guidance for completing the LCPF Summary Page.

PLEASE NOTE: This memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

The LCPF is a fund for which a Library District may levy property taxes to be used to pay for the following (IC 36-12-12-2):

a) a facility used or to be used by the Library District, including:
   1) Planned construction, repair, replacement or remodeling;
   2) Site acquisition;
   3) Site development; and
   4) Repair, replacement or site acquisition that is necessitated by an emergency;

b) the purchase, lease, or repair of equipment to be used by the Library District; and

c) the purchase, lease, upgrading, maintenance, or repair of computer hardware or software.

Before a Library board may collect property taxes for an LCPF in a particular year, the Library Board must, **after January 1 and before May 15** of the immediately proceeding year (IC 36-12-12-3):

a) hold a public hearing on a proposed Library Capital Projects Plan ("Plan");

b) pass a resolution to adopt a Plan; and

c) submit the Plan for approval or rejection by the appropriate fiscal body.

TIMELINE FOR ESTABLISHING AN LCPF

Steps 1 through 4 must be completed after January1 and ***before*** May 15 (IC 36-12-12-3).

1) The Library board prepares a proposed **LCPF Plan** and **LCPF Plan Summary** in the year **before** the taxes are to be collected. This Plan must specify anticipated expenditures along with revenue estimates, tax rates to be charged, and estimated assessed valuation. The Plan must apply to at least the three years immediately following the year the Plan is adopted. The format of the LCPF Plan is included in this memo. The library board may, for each year in which a Plan is adopted, impose a property tax rate that does not exceed **$.0167** per $100 of assessed valuation as provided by IC 36-12-12-10. The LCPF levy is within the maximum property tax levy limit.

2) Pursuant to IC 36-12-12-3, the Library board must give at least a ten-day Notice of Public Hearing on the proposed LCPF Plan. A sample of the hearing notice advertisement is included in this memo. **The notice of the public hearing shall be published one time in two newspapers published within the Library District at least ten days before the date of the hearing.** If there are not two newspapers published within the Library District, publication in one newspaper published within the Library District is sufficient (see IC 5-3-1-4). This notice must specify planned expenditures and Allocations for Future Projects, estimates of revenue, proposed tax rates, and estimated assessed valuation for a minimum of three years.

3) Pursuant to IC 36-12-12-4, after considering the comments and contentions presented at the public hearing, the Library board may pass a resolution to adopt the proposed Plan. The secretary of the Library board shall submit a copy of the Plan to the appropriate fiscal body **not later than ten days after the Library board passes the resolution,** along with a certificate stating that the submission is a complete transcript of the proceedings to adopt the Plan. The following documents should be maintained in the Library offices for public inspection:

   a) a certified copy of the Plan adopted by the Library board;
   b) proper proofs of publication; and
   c) a copy of the Library board's resolution adopting the Plan.

4) Under IC 36-12-12-4, the fiscal body shall hold a public hearing on the Plan not later than 30 days after receiving a certified copy of the Plan. This hearing should be advertised one time at least ten days prior to the hearing in accordance with IC 5-3-1-2 and 4. The advertisement should include the date, time, and location of the hearing, but does not need to include the complete Plan summary. Sample fiscal body notices are included in this memo. The appropriate fiscal body, as specified in IC 36-12-12-4, is:

   a) The Town Council if the Library District is located entirely within the corporate boundaries of a town.

   b) The City Common Council if the Library District is located entirely within the corporate boundaries of a city.

c) The Township Advisory Board if the Library District is not located entirely within the corporate boundaries of a city or town but is located entirely within the corporate boundaries of a Township.

d) The Common Council of each county in which the Library District is located if the Library District is not located entirely within the corporate boundaries of a city, town, or single township.

e) The City-County Council if the Library District is not located entirely within the corporate boundaries of a city, town, or township and is located in a county with a consolidated city.

5) The fiscal body will either reject or approve the Plan **before August 1** of the year the Plan is received (IC 36-12-12-4) (See sample RESOLUTION OF APPROPRIATE FISCAL BODY form included in this memo). If the Plan is approved by the fiscal body, the Library board shall publish a Notice of Adoption as required by IC 36-12-12-5 and in accordance with IC 5-3-1-2(i) (meaning one time within 30 days after the date of the adoption). Ten or more taxpayers who may be affected by the Plan may file a petition with the county auditor setting forth the taxpayers' objections to the Plan. The county auditor shall immediately certify the petition to the Department of Local Government Finance ("Department").

6) The Department will, within a reasonable time, fix a date for a local hearing on the petition filed. The hearing will be held in a county in which the Library District is located and the Department will notify:

   a) the Library board, and
   b) the first ten taxpayers whose names appear upon the petition.

   This notice will be given at leave five days before the date of the hearing (IC 36-12-12-6).

7) After a hearing on the petition, the Department will certify its approval, disapproval, or modification of the Plan to the Library Board and the county auditor. The action of the Department with respect to the Plan is final. The Library board or a taxpayer who signed the objection petition may appeal the Department's decision to the Tax Court not more than 45 days after the Department certifies its determination (IC 36-12-12-7).

8) If no objection petition is filed with the county auditor, **within seven days following the close of the 10-day objection period, the unit must submit proofs of publication of the Notice of Public Hearing and Notice of Adoption, along with a copy of the resolution establishing the Plan, a copy of the Plan, and a copy of the county auditor's Certificate of No Remonstrance to the Department**. Upon receipt, the Department will issue a determination approving, modifying, or denying the Plan. Please note that it is the Library's responsibility to obtain the auditor's Certificate of No Remonstrance from the county auditor and forward it to the Department.

BUDGET APPROVAL

In addition to annually adopting the Plan, the Library District must incorporate the Plan into the Library budget and advertisement for the ensuing year in accordance with IC 6-1.1-17 to receive funding. All budget forms are to be used in preparing the annual budget for the LCPF. Budget Form 4-B is commonly referred to as the 16-line statement. Line 1 of Form 4-B is the annual budget appropriation for the ensuing year. Items 1 through 6 of the Plan Summary Page are to be included on Line 1of Form 4-B. The Allocation for Future Projects (Item 7 of the Plan Summary Page) is included on Line 11 of Form 4-B. Line 11 is referred to as the operating balance.

The Library board will advertise and adopt the appropriations and levy for the LCPF annually, consistent with the budget calendar. Even though the rate is not advertised with the annual budget, it must be adopted in the Plan and included on Budget Form 4B.

The Library board will supply to the Department copies of the Plan and Department-approval determination for review of the annual budget. The budget certification issued by the Department will approve LCPF appropriations, tax rates, and levies where they are consistent with an approved Plan.

EMERGENCY AMENDMENT OF PLAN

Indiana Code 36-12-12-9 allows a Library board to amend its Plan because of an emergency. Under IC 36-12-12-1, "emergency" means:

a) when used with respect to repair or replacement due to damage from a fire, flood, windstorm, mechanical failure of any part of a structure, or other unforeseeable circumstance; and
b) when used with respect to site acquisition, the unforeseeable availability of real property for purchase.

The Plan may be amended due to an emergency to:

a) provide money for the purposes of repair or replacement due to damage or for site acquisition; or
b) to supplement money accumulated in the Emergency Allocation of the Plan.

The following steps must be completed to amend a Plan:

1) When an emergency arises and the need for funds exceeds the amount accumulated in the Emergency Allocation, the Library board must immediately apply to the Department for a determination that an emergency exists. The Department should be notified by telephone and in writing (preferably by fax or email) of the Library's request for approval of an amendment to its Plan. The request for a determination should include identification of where in the library system the emergency occurred, a description of the emergency, the proposed amendment, and the changes and additions to the expenditures and revenue by Plan year necessary to amend the Plan. The Library director may contact the Assistant Director of the Budget Division at (317) 232-0651 regarding the amendment. Determination requests may be faxed to the Department at (317) 974-1629.

2) After the Department issues its determination that an emergency exists, the Library board will amend its Plan at a meeting properly advertised pursuant to the Open Door Law and forward its resolution to the Department. The amendment is not subject to the deadlines and procedures for adoption of the original Plan. The resolution must reduce a designated project(s) and increase the Emergency Allocation. If the amendment requires use of any part of the Allocation for Future Projects, the library will also need to process an additional appropriation.

3) The resolution is subject to modification by the Department. An amendment adopted may require the payment of eligible emergency costs from:
    a) money accumulated in the LCPF for other purposes; or
    b) money to be borrowed from other funds of the Library board or from a financial institution.

4) The amendment may also provide for an increase in the property tax rate for the ensuing budget year for the LCPF to restore money to the fund or to pay principal and interest on a loan. Before the property tax rate may be increased, the Library board must submit a Plan containing the increase to the appropriate fiscal body and obtain the approval of that fiscal body as provided in IC 36-12-12-4. **The increase in the property tax rate for the LCPF is effective for property taxes payable for the year next certified by the Department. However, the rate is not to exceed the maximum rate established by IC 36-12-12-10 and the levy is considered within the maximum levy controls.** Loan repayments and other debts will be given a debt service levy, which falls outside the maximum levy controls.

COMPUTER REPAIR PERSONNEL

A Library may adopt a Plan to pay for the services of full or part-time computer repair personnel. These items should be incorporated into Item 6 on the LCPF SUMMARY (purchase, lease, updating, maintenance, and repair of computer hardware or software).

ALLOCATION FOR FUTURE PROJECTS

The Allocation for Future Projects allows the library to levy property taxes in a current year for expenditure in a future year, **if the specific use is identified in the Plan**. Taxpayers and the Department should be able to clearly determine the proposed use and cost of the future project. When preparing the ensuing year's LCPF budget, the Allocation for Future Projects should be included in Line 11 of Budget Form 4-B. It should not be appropriated, since its expenditure is planned for a future year, as documented in the Plan.

APPROPRIATION IN A YEAR EARLIER THAN PLANNED

An opportunity also exists to convert the projects planned for the future years of the Plan into a current appropriation during the current budget year of the Plan.

The following conditions apply:

a) the Plan must be specific as to the need to be addressed and the manner in which it will be addressed;
b) the Library must proceed with an additional appropriation. The Notice to Taxpayers

of the additional appropriation must state the fund name, a description of the project and the project cost; and

c) this course of action results in the appropriation of all or part of the Plan's current year Allocation for Future Projects.

PLAN FORMAT

The Plan **must be prepared annually** using the following format:

1) General description of the Library District:
    a) Library taxing district area;
    b) name and location of Library, including contact person's name, address, phone number, and e-mail address;
    c) composition of the governing body;
    d) number of employees;
    e) current annual budget in Operating, Library Improvement Reserve ("LIRF") and Bond and Interest Redemption ("BIRF") funds, and LCPF; and
    f) current annual property tax rates and levies for all funds.

2) Listing of present facilities operated and maintained by the Library District:
    a) with respect to each facility:
        1) name and location;
        2) year constructed, leased, or rented;
        3) estimated current value; and
        4) detailed evaluation of condition; and
    b) identification and description of all land owned for future needs.

3) Library Service Area:
    a) area in square miles;
    b) population served; and
    c) annual statistics of service (i.e., circulation of materials, collection size, hours of service, etc.).

4) Anticipated LCPF resources that will be available for the term of the Plan. For each year of the Plan (show also on the Plan Summary Page), include the following:
    a) sources and amounts of anticipated income;
    b) amount of revenue to be retained for expenditures proposed for a later year;
    c) projected assessed valuation of the Library District for each year of the Plan; and
    d) projected tax rates and levies for the LCPF based on the above assessed valuations.

5) Proposed use of the LCPF:
    a) includes, by Plan year and location, the proposed expenditures from the fund for all specific uses within the following areas:
        1) planned facility needs:
            a) new construction;
            b) repair;

c) replacement;
d) remodeling; and
e) lease or rental of existing real estate;

2) acquisition of real property;
3) site development;
4) Emergency Allocation (repair or replacement necessitated by emergency or for site acquisition);
5) purchase, lease, repair, and maintenance of equipment:
   a) administration;
   b) public use;
   c) mechanical; and
   d) furniture.

6) Computer hardware and software:
   a) purchase, lease, or upgrading; and
   b) maintenance and repair.

B) Includes, by Plan year, location and project or specific purpose of allocation for proposed expenditures beyond the upcoming budget year (Allocation for Future Projects).

Failure to comply with the above format may be cause for denial of the proposed Plan.

DISCONTINUING THE LCPF

The General Assembly combined the library operating fund and the LCPF for purposes of performing the maximum levy calculation. As a result, little incentive remains for a library to undergo the annual process of updating and adopting a new Plan. A library may decide to discontinue the planning process and combine the remaining LCPF balance with the operating fund balance or the rainy day fund balance, or both.

The procedure for closing the LCPF is to not prepare a new Plan for the ensuing budget year. The existing fund and the certified budget remain in existence until year-end. Both revenues and expenses may be posted to the fund until year-end. In fact, the fund must remain active to receive the final tax distribution, which is typically in December. After the final tax settlement, the fiscal body of the Library may adopt an ordinance to close the fund and transfer the remaining fund balances to either the operating fund or the rainy day fund. The ordinance may direct any remaining balances to one or both funds.

The next year's operating fund budget may be prepared by merging the LCPF fund balances and appropriations into the operating fund in anticipation of closing the LCPF. The budget advertisement for the following year's budget will show the budget and levy amounts for the operating fund as including the LCPF amounts.

NOTE: Libraries that prefer to continue spending from the LCPF must continue to update and adopt the Plan annually.

GLOSSARY OF TERMS

The following definitions apply to the LCPF.

1) **REPAIR** means the restoration of a piece of equipment, a building, or grounds to the original condition of completeness from a worn, damaged, or deteriorated condition.

2) **EQUIPMENT** means a mobile or fixed unit of furniture or furnishings, a machine, an apparatus, an article, or a set of articles that meets all of the following conditions:
(1) It retains its original shape and appearance with use.
(2) It is non-expendable, which means that if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit.
(3) It represents an investment of money that makes it feasible and advisable to capitalize the item.
(4) It does not lose its identity through incorporation into a different or more complex unit or substance.
"Equipment" does not include a vehicle subject to licensing under IC 9.

3) **EMERGENCY** is defined with respect to the LCPF as follows:
   a) repair or replacement due to a fire, flood, windstorm, mechanical failure, or other unforeseen circumstance; or
   b) the unforeseeable availability of real property for purchase.

COMPLETING THE LCPF SUMMARY PAGE

The purpose of the Summary Page is to summarize the expenditures, allocations, transfers, and revenues for the Plan. The general format is the same as the public notices for the Plan.

CURRENT EXPENDITURES is a summary of the planned expenditures noted in each major classification in the Plan for each year of the Plan for all locations.

SUBTOTAL CURRENT EXPENDITURES is the amount of expenditures, which require appropriation, that a Library plans to make in a given year.

ALLOCATION FOR FUTURE PROJECTS is the amount of funds that will accumulate or continue accumulating for projects to be expended in a future year of the Plan. Any Allocation for Future Projects should be clearly noted on the appropriate location page(s) in the Plan. If a Library plans to expend the Allocation in the second or third years of the Plan, this will increase the current expenditures and decrease the Allocation. If a Library does not intend to spend the Allocation in the second or third years, the Allocation for those years should show the total expected to be accumulated at the end of the year. The Allocation budgeted in the third year should include the amount accumulated in years one and two, plus what will be accumulated during year three. The summary page of the Allocation should be a cumulative summation of the Allocation from each location.

CASH BALANCE AVAILABLE TO FUND THE PLAN For Libraries beginning the first year of their first Plan, the beginning cash balance will be zero. For Libraries that have a Plan in effect, the January 1 cash balance of the first year will equal the estimated year-end cash balance

plus the amount of unexpended appropriations. The Plan should explain any unexpended appropriation from the prior year and note the total dollar amount of unexpended appropriations. For the second and third years of the Plan, Libraries should assume that funded appropriations carried forward from the previous year have been exhausted. Under normal circumstances, the projected January 1 cash balance for the second and third years of the Plan will be the prior years' Allocation for Future Projects.

ESTIMATED EXCISE, CVET AND FIT are estimates of revenue prepared in the same manner as the annual budget for other funds.

OTHER REVENUE refers to income to the Fund other than property taxes, such as interest income.

PROJECTED TAX RATE will be the estimated tax rate necessary to fund the Plan.

RESOLUTION TO ADOPT LIBRARY CAPITAL PROJECTS FUND PLAN

This resolution is adopted by the Library Board of _____
(Library Name)
of _____, County, Indiana.
(County Name)

Whereas, a Library Capital Projects Fund has been established; and

Whereas, the Library Board is required under IC 36-12-12-3 to adopt a Plan with respect to the Library Capital Projects Fund; and

Whereas, the Library Board held a public hearing on the Plan on _____
(Date)
at _____.
(Location)

THEREFORE, BE IT RESOLVED by the Library Board that the Plan entitled
_____ of _____
(Title) (Date)
is hereby incorporated by reference into this resolution and is adopted as the Library Board's Plan with respect to the Library Capital Projects Fund.

BE IT FURTHER RESOLVED that the Library Board will submit a certified copy of this resolution (including the adopted Plan) to the appropriate local fiscal body for review and the Department of Local Government Finance under IC 36-12-12-4.

ADOPTED THIS _____ DAY OF _____, 20____.

AYE	**NAY**
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

_____
Secretary of Library Board

Certificate of Submission to Appropriate Fiscal Body

I, THE UNDERSIGNED REPRESENTATIVE OF _____ PUBLIC
(Name of Library)
LIBRARY, _____ COUNTY, INDIANA, DO HEREBY CERTIFY TO THE _____

_____ OF _____, _____,
(Appropriate Fiscal Body) (Unit) (County)
INDIANA, THAT THE ATTACHED IS A COMPLETE TRANSCRIPT OF THE

PROCEEDINGS HELD WITH RESPECT TO THE LIBRARY CAPITAL PROJECTS FUND

PLAN ADOPTED BY THE ABOVE NAMED LIBRARY AT A MEETING HELD ON

_____.
(Date)

NOTICE

PURSUANT TO IC 36-12-12-4, THE APPROPRIATE FISCAL BODY SHALL HOLD A PUBLIC HEARING ON THIS ISSUE NOT LATER THAN 30 DAYS AFTER RECEIVING A CERTIFIED COPY OF THE PLAN AND EITHER REJECT OR APPROVE THE PLAN BEFORE AUGUST 1 OF THE YEAR THAT THE PLAN IS RECEIVED.

Submitted this _____ day of _____, 20____ to the above named fiscal body.

_____
(Signature of Secretary of Library Board)

Instructional Note: The "Submitted" date is the date the LCPF Plan was *forwarded* to the appropriate fiscal body.

RESOLUTION OF APPROPRIATE FISCAL BODY OF ACTION ON LIBRARY CAPITAL PROJECTS PLAN

WHEREAS, the _____ has adopted a Library Capital Projects Plan
(Name of Library)

as provided for in IC 36-12-12, be it resolved that the _____, being the
(Name of Fiscal Body)

appropriate Fiscal Body for the _____ as designated in IC 36-12-12-4,
(Name of Library)

does hereby _____ the Plan as received by this body on the _____ day
(Approve/Reject)

of _____, 20___.

ADOPTED THIS _____ DAY OF _____, 20____.

AYE	NAY
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

_____
Secretary of Fiscal Body

Instructional Note: Must be adopted before August 1 of the current year.

NOTICE TO TAXPAYERS OF _____ PUBLIC LIBRARY

Notice is hereby given to the taxpayers of _____, _____ County, that the Library Board
(Library Name) (County Name)

will meet at _____, on _____ for the purpose of considering a proposal to establish a
(Location) (Date and Time)

Library Capital Projects Fund Plan under IC 36-12-12. The following is a general outline of the proposed Plan.

CURRENT EXPENDITURES		20___	20___	20___
(1)	Planned construction, repair, replacement, or remodeling	_____	_____	_____
(2)	Acquisition of real property	_____	_____	_____
(3)	Site development	_____	_____	_____
(4)	Emergency Allocation	_____	_____	_____
(5)	Purchase, lease, or repair of equipment	_____	_____	_____
(6)	Purchase, lease, upgrading, repair, and maintenance of computer hardware and computer software	_____	_____	_____
SUBTOTAL CURRENT EXPENDITURES		_____	_____	_____
(7)	Allocation for Future Projects (cumulative totals)	_____	_____	_____
TOTAL EXPENDITURES AND ALLOCATIONS		_____	_____	_____
SOURCES AND ESTIMATES OF REVENUE				
(1) January 1 cash balance (for each year of Plan)		_____	_____	_____
(2) Less encumbered appropriations		_____	_____	_____
(3) Cash balance available for current Plan [(1) minus (2)]		_____	_____	_____
(4) Plus property tax revenue		_____	_____	_____
(5) Plus auto excise, CVET, and Financial Institutions Tax receipts		_____	_____	_____
(6) Plus other revenue		_____	_____	_____
TOTAL FUNDS AVAILABLE FOR PLAN		_____	_____	_____
Based upon an anticipated assessed valuation of		_____	_____	_____
The projected tax rate for the Library Capital Projects Fund will be		_____	_____	_____

Taxpayers are invited to attend the meeting for a more detailed explanation of the Plan and to exercise their right to be heard on the proposal.

(Show names and titles
of board members.)

(_____
(_____
(_____
(_____
(_____
(_____
(_____

Attest:

_____
Secretary of Library Board
Date:

Township: Sample Notice to Taxpayers by Fiscal Body (LCPF)

NOTICE TO TAXPAYERS

The Township Board of _____Township, _____County, Indiana, will hold a public hearing on the _____ day of _____, 20___, at _____a.m./p.m. at the office of the _____ Township Trustee, _____, Indiana, for
(address)
the purpose of rejecting or approving the Library Capital Projects Fund Plan for the years 20__-20__, for the _____.
(Name of Library)

_____
Township Trustee

County: Sample Notice to Taxpayers by Fiscal Body (LCPF)

NOTICE TO TAXPAYERS

The _____County Council, _____County, Indiana, will hold a public hearing on the _____ day of _____, 20___, at _____a.m./p.m. at the _____, _____, Indiana,
(location of meeting) (address)
for the purpose of rejecting or approving the Library Capital Projects Fund Plan for the years 20__-20__, for the _____.
(Name of Library)

_____
County Auditor

City or Town: Sample Notice to Taxpayers by Fiscal Body (LCPF)

NOTICE TO TAXPAYERS

The _____City (or Town) Council, _____County, Indiana, will hold a public hearing on the _____ day of _____, 20___, at _____a.m./p.m. at the _____, _____, Indiana,
(location of meeting) (address)
for the purpose of rejecting or approving the Library Capital Projects Fund Plan for the years 20__-20__, for the _____.
(Name of Library)

_____
Clerk-Treasurer

(LCPF AMENDMENT NOTICE)
NOTICE TO TAXPAYERS OF _____ PUBLIC LIBRARY

Notice is hereby given to the taxpayers of _____, _____ County, that: the Library Board
(Library Name) (County Name)
met at _____, on _____ because the Library Board determined that the Library Capital
(Location) (Date and Time)
Projects Fund Plan it adopted for the years 20__-20__ required amendment; and that the Library Board did adopt a resolution to amend said Plan at the meeting. A brief description of the amendment is as follows:

_____
_____
_____
_____

The following is a general outline of the Plan as amended:

CURRENT EXPENDITURES		20___	20 ___	20 ___
(1)	Planned construction, repair, replacement, or remodeling	_____	_____	_____
(2)	Acquisition of real property	_____	_____	_____
(3)	Site development	_____	_____	_____
(4)	Emergency Allocation	_____	_____	_____
(5)	Purchase, lease, or repair of equipment	_____	_____	_____
(6)	Purchase, lease, upgrading, repair, and maintenance of computer hardware and computer software	_____	_____	_____
SUBTOTAL CURRENT EXPENDITURES		_____	_____	_____
(7)	Allocation for Future Projects (cumulative totals)	_____	_____	_____
TOTAL EXPENDITURES AND ALLOCATIONS		_____	_____	_____
SOURCES AND ESTIMATES OF REVENUE				
(1) January 1 cash balance (for each year of Plan)		_____	_____	_____
(2) Less encumbered appropriations		_____	_____	_____
(3) Cash balance available for current Plan [(1) minus (2)]		_____	_____	_____
(4) Plus property tax revenue		_____	_____	_____
(5) Plus auto excise, CVET, and Financial Institutions Tax receipts		_____	_____	_____
(6) Plus other revenue		_____	_____	_____
TOTAL FUNDS AVAILABLE FOR PLAN		_____	_____	_____
Based upon an anticipated assessed valuation of		_____	_____	_____
The projected tax rate for the Library Capital Projects Fund will be		_____	_____	_____

Taxpayers are invited to attend the meeting for a more detailed explanation of the Plan and to exercise their right to be heard on the proposal.

(Show names and titles
of board members.)

(_____
(_____
(_____
(_____
(_____
(_____
(_____

Attest:

_____
Secretary of Library Board
Date:

NOTE: PROOFS OF PUBLICATION AND COUNTY AUDITOR'S CERTIFICATE OF NO REMONSTRANCE MUST BE FORWARDED TO THE DEPARTMENT NOT LATER THAN SEVEN DAYS FOLLOWING THE CLOSE OF THE OBJECTION PERIOD.

NOTICE OF ADOPTION

Notice is hereby given to the taxpayers of _____ (Library Name), _____ (County Name) County, that the Library Board met at _____ (Location), on _____ (Date and Time) to adopt a Library Capital Projects Fund Plan for the years 20__-20__. The proper legal officers of _____ (Library Name) are hereby required by IC 36-12-12-5 to publish the following notice:

CURRENT EXPENDITURES		20___	20___	20___
(1)	Planned construction, repair, replacement, or remodeling	_____	_____	_____
(2)	Acquisition of real property	_____	_____	_____
(3)	Site development	_____	_____	_____
(4)	Emergency Allocation	_____	_____	_____
(5)	Purchase, lease, or repair of equipment	_____	_____	_____
(6)	Purchase, lease, upgrading, repair, and maintenance of computer hardware and computer software	_____	_____	_____
SUBTOTAL CURRENT EXPENDITURES		_____	_____	_____
(7)	Allocation for Future Projects (cumulative totals)	_____	_____	_____
TOTAL EXPENDITURES AND ALLOCATIONS		_____	_____	_____
SOURCES AND ESTIMATES OF REVENUE				
(1) January 1 cash balance (for each year of Plan)		_____	_____	_____
(2) Less encumbered appropriations		_____	_____	_____
(3) Cash balance available for current Plan [(1) minus (2)]		_____	_____	_____
(4) Plus property tax revenue		_____	_____	_____
(5) Plus auto excise, CVET, and Financial Institutions Tax receipts		_____	_____	_____
(6) Plus other revenue		_____	_____	_____
TOTAL FUNDS AVAILABLE FOR PLAN		_____	_____	_____
Based upon an anticipated assessed valuation of		_____	_____	_____
The projected tax rate for the Library Capital Projects Fund will be		_____	_____	_____

Ten or more taxpayers in the library district who will be affected by the Plan may file a petition with the county auditor of _____ County, not later that than ten days after publication of this notice, setting forth their objections to the Plan. Upon filing of the petition, the county auditor shall immediately certify the same to the Department of Local Government Finance, which will fix a date and conduct a public hearing on the Plan before issuing its approval, modification, or disapproval thereof.

(Show names and titles of board members.)

(_____
(_____
(_____
(_____
(_____
(_____
(_____

Attest:

_____
Secretary of Library Board
Date:

Procedure Checklist

Have you included:	Y/N
Cover page with contact name, address, e-mail, phone number and fax number	_____
Proof of publication of public hearing held by Library Board	_____
Certificate of Submission from Library Board to fiscal body	_____
Proof of publication of public hearing held by fiscal body	_____
Proof of publication of notice of adoption	
Auditor's Certificate of No Remonstrance	_____
Certified Plan in which the following have been addressed:	_____

General Description _____
- Area of Library District
- Name of location of Library, including contact person's information
- Composition of governing body
- Number of employees
- Current annual budget, property tax rates, and levies for all funds

List of Present Facilities _____
- Name and location of each facility
- Year constructed
- Estimated current value
- Detailed evaluation of each facility
- Identification and description of land owned for future development

Library Service Area _____
- Area in square miles
- Population served
- Annual statistics (circulation/hours of operation/collection size, etc.)

Anticipated Capital Projects Fund Resources _____
- Sources and amount of anticipated income
- (including an explanation of January 1 cash balance for first year of Plan)
- Projected assessed value, tax rates, and levies for each year of Plan

Proposed Use of Plan _____
- Planned facility needs
- Acquisition of real property
- Site development
- Emergency Allocations
- Purchase, lease, Repair, and maintenance of equipment
- Computer hardware and software
- Description and amount for future allocations

Is the Plan balanced (do Total Expenditures and Allocations equal the Total Funds Available for Plan)? _____

Do the columns in the Plan add up correctly (mathematically)? _____

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE

INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE N1058(B)
INDIANAPOLIS, IN 46204
PHONE (317) 232-3777
FAX (317) 974-1629

Library Capital Projects Fund ("CPF") Frequently Asked Questions
July 1, 2013

PLEASE NOTE: This memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

PURCHASES FROM THE CPF

Can vehicles be purchased through the CPF?

No. 50 IAC 9-1-3 explicitly excludes "vehicle[s] subject to licensing under IC 9" from the term "equipment."

May library materials and/or books be purchased through the CPF?

No. The CPF cannot be used to purchase library materials and/or books, with the exception of computer software.

May the CPF Plan include feasibility studies and architect fees?

Yes. The planned expenditures should be included in item one (1) ("Planned construction, repair, replacement, or remodeling") of the capital projects fund plan summary. If the architect fees are to be reimbursed, such as in the formation of a holding corporation, the anticipated reimbursement would be included in the CPF plan summary as other revenue.

May we pay for architect fees to design a building that a holding corporation will purchase at a later date?

Yes. The CPF plan should anticipate the expenditures under item one (1) on the plan summary. If the library anticipates reimbursement from the holding corporation, the reimbursement should be estimated under "other revenue."

What are some examples of "replacements" (Item One (1) under current expenditures of the Plan)?

Replacements may include carpet, shelving, and computer equipment. For specific questions about what is a replacement item, contact the Department of Local Government Finance ("Department") or the State Board of accounts ("SBOA").

Should we include a narrative section in the Plan format for site development?

Yes.

Is landscaping considered part of site development?

It depends on what type of landscaping. Please refer specific questions to the Department or SBOA.

APPROPRIATIONS

If we spend less than planned in one portion of the CPF Plan, may we transfer the surplus appropriations to another area where we would like to spend more than planned?

No. A CPF plan cannot be changed once it has been approved by the Department except in the case of an amendment approved for an emergency or an appropriation of an allocation for a future project in a year earlier than planned.

If we do not spend all of the CPF appropriations for a given year or we have encumbrances, would those amounts be included in the ensuing year's January 1 cash balance?

The January 1 cash balance on the CPF plan summary is the estimated or anticipated cash balance for the ensuing year. If you anticipate unexpended appropriations or encumbrances for the current year's plan, then those amounts would be included in the estimated January 1 cash balance for the ensuing year. The January 1 cash balance may also include allocation for future projects from the previous year(s).

If the CPF Plan is denied but there is a cash balance in the CPF, can I do an additional appropriation to spend that money?

No. If the plan is denied, you may not appropriate funds in the CPF. A Library desiring to close a CPF may, after the final tax settlement, adopt an ordinance to close the fund and transfer the remaining fund balances to either the operating fund or the rainy day fund. The ordinance may direct any remaining balances to one or both funds. The next year's operating fund budget may be prepared by merging the CPF balances and appropriations into the operating fund in anticipation of closing the CPF. The budget advertisement for the following year's budget will show the budget and levy amounts for the operating fund as including the CPF amounts.

THE LIBRARY'S FISCAL BODY

Must the fiscal body that approves the CPF Plan advertise the public hearing the fiscal body must conduct before voting to approve or reject the Library's CPF Plan?

Yes. The fiscal officer must give notice of the public hearing. Although IC 36-12-12 does not dictate the advertising requirements for the fiscal body, it does subject the Library's

advertisement to IC 5-3-1-2. Thus, the Department suggests and expects that the fiscal body follow the same procedure whereby the notice is published one time at least ten days before the date of the hearing in the appropriate number of newspapers in accordance with IC 5-3-1-4. The Library may offer to publish this notice for the fiscal body to ensure that the advertisement complies with the necessary requirements.

How do we certify copies of the CPF Plan to the fiscal body and the Department?

A certificate of submission signed by the library board secretary attesting to the timely submission of the Plan to the fiscal body will suffice. A suggested certification form is included with the CPF memo. The Library's submission to the Department of its resolution, proofs of publication of the Notice to Taxpayers and Notice of Adoption, Certificate of Submission to the fiscal body, proof of publication of the fiscal body's Notice to Taxpayers, a copy of the fiscal body's resolution or ordinance, and a copy of the Plan will suffice as certification to the Department.

Can the library pay for the advertisement of the fiscal body's public hearing?

Yes, the library may submit the fiscal body's Notice to Taxpayers to the appropriate newspaper(s) and pay for the advertisement.

Is there a prescribed format for the Notice to Taxpayers of the public hearing by the fiscal body?

A suggested format is included with the CPF memo.

Some fiscal bodies advertise the entire CPF Plan with the Notice to Taxpayers. Is this permissible?

Yes, but it is not required. The fiscal body only needs to advertise the date, time, and location of the hearing. The ad must note that the fiscal body plans to discuss the CPF Plan. A suggested format of the fiscal body Notice to Taxpayers is included with the CPF memo.

Is it possible for a fiscal body to approve appropriations for a CPF Plan but not approve a tax rate and levy?

Yes.

Can a fiscal body approve a lower tax rate and/or levy than those adopted by the Library board?

No.

PLAN AMENDMENTS (EMERGENCIES)

May we amend the CPF Plan for non-emergency reasons?

No. Libraries may only amend the CPF plan for emergency reasons as outlined in IC 36-12-12-9.

If an emergency situation occurs and we need to use CPF moneys, how do we contact the Department?

The Department may be reached by telephone (317-232-0651) and by fax (317-974-1629). A written explanation of the emergency and the proposal for an amendment to the CPF plan must also be submitted.

What if an emergency situation occurs and the Library does not have appropriations in the emergency allocation line item to cover the emergency?

The Library would need to amend its CPF Plan.

How quickly can an emergency amendment be approved by the Department?

The Department reviews CPF emergency amendments as soon as possible. Please contact the Department for assistance in preparing an amendment to your Plan.

ESTABLISHING THE FUND AND THE BUDGET PROCESS

If I receive an order approving the Library CPF Plan, must I also go through the normal budget process?

Yes. The submission of the Plan to the Department is for approval of only the Plan only. The budget process is subject to IC 6-1.1-17. The CPF must be advertised and adopted as would any other fund for the ensuing budget year. Failure to do so will result in the appropriations, levy, and rate being denied.

Is the CPF the same as the Library Improvement Reserve Fund ("LIRF")?

No. Funds for accumulation in the LIRF come from the operating fund budget as a transfer to LIRF and fall within the maximum levy limit set for the operating fund. The library may levy a separate tax rate of not more than one and sixty-seven hundredths cents ($.0167) annually for accumulation of funds in the CPF. The CPF also falls within the maximum levy limits.

Does the CPF replace the LIRF?

No. Both funds are permitted under Indiana law (CPF: IC 36-12-12 and LIRF: IC 36-12-3-11).

Must I go through the Plan and budget procedure to expend funds even if our Library does not want a tax rate?

Yes. Indiana Code 36-12-12-8 states that the Department may approve appropriations from the CPF only if the appropriations conform to a plan that has been advertised and adopted.

I advertised a $.0133 rate for my CPF in my annual budget. When I received my budget certification, the rate was reduced to $.005. Why didn't I receive the full rate?

The Library CPF rate is based upon the need shown in the plan. Need refers to the total current expenditures and allocation for future projects. During the budget process, the rate approved will be lowered if current expenditures and allocation for future projects can be funded at a lower rate. Also, the rate could be lower because of the adjustment made per IC 6-1.1-18-12.

REVENUES, CASH, AND OPERATING BALANCE

Where does the January 1 cash balance come from on the CPF Plan Summary?

A cash balance in the CPF Plan can only come from allocations for future projects from the previous year(s) or unexpended appropriations from the previous year(s).

A narrative within the Plan must indicate the sources of the anticipated January 1 cash balance for the ensuing year. Later year cash balances reflect the previous year future allocation amount.

Isn't my operating balance the same as my future allocations?

Yes, the operating balance is the amount of future allocations detailed in your Plan. Keep in mind that the Department will not approve a future allocation (line 11) that is higher than what is adopted in the Plan.

ACCOUNTING FOR CPFs

What if I have money left over in my CPF and it is not appropriated for anything?

The money will remain in the fund and will be accounted for in the operating balance.

If we use the CPF to help pay for a project that includes bonds as part of the financing, do we disburse the bond proceeds through the CPF?

No. Bond proceeds for a project are disbursed through a construction fund.

What if my ensuing year's CPF Plan is denied and I have funds left over?

You will have a CPF with a cash balance. This cash balance cannot be transferred to the library operating fund or rainy day fund unless the CPF is closed.

Does the interest generated from the cash in the CPF need to be receipted to the CPF?

Yes. Refer specific questions about this to SBOA.

Do we need to set up a separate fund to account for the CPF Plan?

Yes.

Are there any special accounting guidelines associated with the CPF?

Generally this fund is handled like any other fund. Please refer specific questions to SBOA.

Do we include our local matching funds for a CPF project in the estimates of "Other Revenue" in the CPF Plan Summary for each fiscal year?

No. Local matching funds should be appropriated in the LIRF or other special fund and should not be included in the CPF Plan Summary or the CPF budget. A description and explanation of use of the local matching funds should be included as a part of the narrative describing the CPF Plan.

OTHER

Can the public hearing be held on the same day as a regular Library board meeting? Can the public hearing be held one hour before the board meeting?

Yes, if advertised correctly beforehand, the public hearing for the CPF may be held on the same day as the Library board meeting and can be held an hour before the board meeting. The public hearing must be held on the date and time advertised in the Notice to Taxpayers and must precede adoption of the Plan.

If I am accumulating money in my future allocations for a new roof (1/3 of the cost each year) and the fiscal body denies my future allocation for the final (3rd) year, can I still purchase the roof if I have sufficient money in my fund?

No, but it may be possible to purchase the roof through an emergency amendment. Contact the Department.

Will the ad from the paper be sufficient Proof of Publication?

Yes.

Is the annual cost for telephone lines an allowable expense from the CPF?

No, telephone lines are not considered equipment, so the rental charges for this item are not an allowable expense.

Is the cost of internet service an allowable expense for the CPF (this would include educational services provided through the internet)?

The initial cost for the installation of the lines could be an allowable expense. However, the monthly fees for internet service would not qualify.