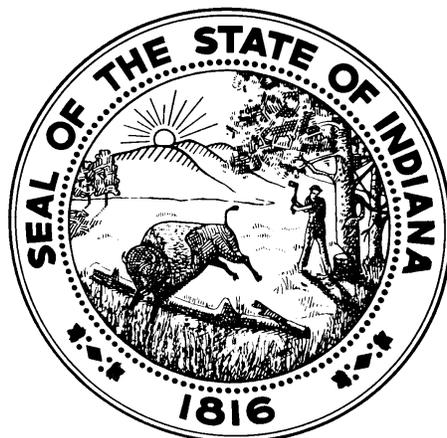


**STATE BOARD OF ACCOUNTS**  
**302 West Washington Street**  
**Room E418**  
**INDIANAPOLIS, INDIANA 46204-2769**

AUDIT REPORT  
OF

CITY COURT  
CITY OF ANDERSON  
MADISON COUNTY, INDIANA

January 1, 2008 to December 31, 2008



**FILED**  
12/21/2009



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CITY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Clerk	Sheila D. Ashley	01-01-08 to 12-31-11
Judge	Hon. Donald R. Phillippe	01-01-08 to 12-31-11
President of the Common Council	Joseph Newman Rick Muir	01-01-08 to 12-31-08 01-01-09 to 12-31-09



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Fax: (317) 232-4711  
Web Site: [www.in.gov/sboa](http://www.in.gov/sboa)

TO: THE OFFICIALS OF CITY OF ANDERSON, MADISON COUNTY

We have audited the records of the City Court for the period from January 1, 2008 to December 31, 2008, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Audit Result and Comment. The financial transactions of this office are reflected in the Annual Financial Report of City of Anderson for the year 2008.

STATE BOARD OF ACCOUNTS

November 24, 2009

CITY COURT  
CITY OF ANDERSON  
AUDIT RESULT AND COMMENT

PUBLIC DEFENDER FEES

As similarly stated in prior reports, most recently Report B32686, the Anderson City Court currently assesses a Public Defender fee for some cases. Currently, the City Court Administrator is forwarding the Public Defender fee collections monthly to the City Controller and the fees are posted to the Court Supplemental Public Defender Fund. This money is not forwarded to the County's Public Defender Fund.

The home rule statute [IC 36-1-3-5(a)] prohibits a governmental unit from exercising powers that are expressly granted to another unit.

IC 33-40-3 authorizes a County to assess a Public Defender fee.

IC 33-40-3-1 states: "A supplemental public defender services fund is established in each county. The fund consists of amounts deposited under section 9 of this chapter."

IC 33-40-3-5 states: "A county may not have more than one (1) program providing court appointed legal services in the county, unless the fiscal body of the county agrees to allow additional court appointed legal services programs in the county."

CITY COURT  
CITY OF ANDERSON  
EXIT CONFERENCE

The contents of this report were discussed on November 24, 2009, with Hon. Donald R. Phillippe, Judge.