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# STATE OF INDIANA

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DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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**TO: Township Trustees**

**FROM: Fred Van Dorp, Budget Division Director**

**SUBJECT: HEA 1177-2019 Capital Project Plan Overview and Guidelines**

**DATE: August 13, 2019**

The Department of Local Government Finance (“Department”) has released the memo below to provide additional guidance on the interpretation, implementation, certification, and submission of by townships of the capital improvement plan (“CIP”) as outlined in HEA 1177-2019. This memo is a companion memo to the memo released on June 17, 2019. This version expands on the information about the Department’s CIP template and submission procedures.

Accompanying this memo is the Department’s CIP template. The template is a multi-tabbed excel workbook designed to meet all requirements outlined in statute. All qualifying townships must complete and submit an unaltered version of the Department’s CIP template. This does not prevent townships from providing supplemental information about their CIP funding, planning, expenses, and revenues. This additional information may be in the form of a narrative or a spreadsheet style report that expands on the required portion of the plan.

While any township may decide to complete the CIP, a township must adopt a capital improvement plan if the township’s capital improvement funds exceed:

- (1) one hundred fifty percent (150%) of the township’s total annual budget estimate prepared under IC 6-1.1-17-2 for the ensuing year; and
- (2) two hundred thousand dollars (\$200,000).

The Department wishes to clarify two terms. First, “total annual budget estimate” includes all funds certified by the Department for a given year. This total will include all debt funds and non-capital related funds like township assistance. Second, “capital improvement funds,” means a township fund which may be used for the payment of capital improvements. This includes the following funds:

- (1) the general fund;
- (2) the township fire fund under IC 36-8-13;
- (3) the cumulative fire fund under IC 36-8-14;
- (4) an equipment replacement fund for a fire protection territory under IC 36-8-19-8.5;
- (5) a cumulative township vehicle and building fund under IC 36-9-17.5;
- (6) a cumulative building fund under IC 36-10-7.5-19;

- (7) a public park fund under IC 36-10-7-7; and
- (8) any other fund established by a township for the payment of capital improvements.

Note that debt funds and township assistance are not included in the listing of capital improvement funds.

In order to determine if a CIP is required, each township will need to compare the cash balance for each of the capital improvement funds as of December 31 of the previous year to the certified budget for the current year. More specifically, if a township is considering adopting a plan in calendar year 2019, the township would compare their cash balances for the capital improvement funds as of December 31, 2018 to their 2019 Certified Budget.

On the “Main” tab of the Department’s CIP template, information necessary to determine whether or not your township qualifies is listed. After selecting county and the township, the information from the 2019 Certified Budget will be listed. The townships will manually populate the December 31 cash balances for the appropriate funds. The bottom of the main page will indicate whether or not both criteria are met and how to proceed with the remainder of the plan. Information from the Main tab will populate portions of the other spreadsheets in workbook.

The township trustee shall prepare the plan and the township board shall adopt the plan. The board must hold a public hearing on a proposed plan or amended plan prior to adoption. (HEA 1177 does not specify that notice be given under IC 5-3-1.) After adoption, the county council must consider the plan in reviewing a township’s budget under IC 6-1.1-17-3.6. Additionally, after adopting a plan, the township must submit a copy of the adopted plan to the Department. Submissions to the Department must be made via Gateway upload. Units will upload the plan in Gateway using the “File Type” of “Signed Bgt. Ordinance/Resolution.”

All townships required to adopt plans must do so no later than September 30, 2020. Failure to adopt a plan results in the township not being able to collect property taxes for a capital improvement fund in the ensuing year. After a plan is adopted it may be amended. Upon approval by the township board, the plan may be amended to:

- (1) provide money for the purposes of a capital improvement fund; or
- (2) supplement money accumulated in a capital improvement fund for the purposes of the capital improvement fund.

Questions pertaining to CIP requirement may be directed to the Department’s [Budget Field Representative Team](#).