

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

EXAMINATION REPORT

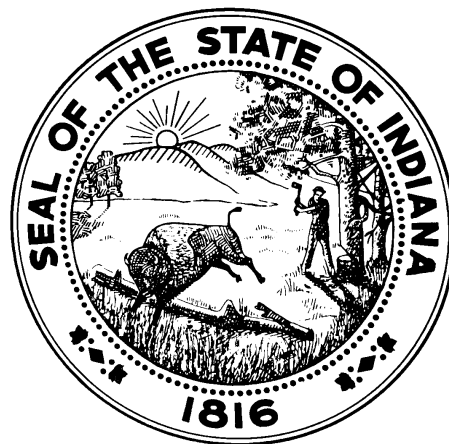
OF

CITY COURT

CITY OF ELWOOD

MADISON COUNTY, INDIANA

January 1, 2007 to December 31, 2007



FILED
08/20/2008

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CITY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
Clerk-Treasurer	Sandra R. Brewer	01-01-04 to 12-31-11
Judge	Honorable Kyle F. Noone	01-01-04 to 12-31-11
Mayor	Honorable W. Merrill Taylor	01-01-04 to 12-31-11
President of the Common Council	James E. Davis Jack M. Powell	01-01-07 to 12-31-07 01-01-08 to 12-31-08



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

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TO: THE OFFICIALS OF THE CITY OF ELWOOD, MADISON COUNTY, INDIANA

We have examined the records of the City Court for the period from January 1, 2007 to December 31, 2007, 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 Examination Result and Comment. The financial transactions of this office are reflected in the Examination Report of the City of Elwood for the year 2007.

STATE BOARD OF ACCOUNTS

July 1, 2008

CITY COURT
CITY OF ELWOOD
EXAMINATION RESULT AND COMMENT

PUBLIC DEFENDER FEES

The Elwood City Court currently assesses a Public Defender fee for some cases. A similar comment appeared in prior Reports B30071 and B27545.

Currently, the City Court Administrator is forwarding the Public Defender fee collections to the Clerk-Treasurer. The fees are posted to a Public Defender Services Fund which was established by order of the City Court Judge on October 17, 2006.

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

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

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

Indiana Code 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 ELWOOD
MADISON COUNTY
EXIT CONFERENCE

The contents of this report were discussed on July 1, 2008, with Honorable Kyle F. Noone, Judge; and Denise Kessinger, Court Administrator.