

Recorder's Perpetuation Fund

2025 Recorders Conference

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IC 36-2-7-10(f) states in part:

“..., the county recorder may use any money in this fund without appropriation for:

- (1) the preservation of records; and
- (2) the improvement of record keeping systems and equipment;

within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.”



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What costs would qualify?

Storage

- File cabinet
- Bookshelf
- Digital

Equipment

- Computers
- Scanners
- Monitors

Software

- Digital Record Management

Salaries

- Direct work such as scanning or indexing

Other

- Digitizing
- Book binding
- Microfilm



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What would not qualify?

- Operating Expenses
 - ❖ Office Supplies
 - ❖ Payroll related to administration work
 - ❖ Office furniture
 - ❖ Bank fees
 - ❖ Office Repairs



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Statutory Exception

IC 36-2-7-10.2

"(b) A county recorder may pay all or a portion of the expenses of the county recorder's office for the following calendar year from the fund only if:"



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IC 36-2-7-10.2 (b) (1): “the county recorder submits to the county fiscal body a sworn statement that:”

Current Revenue supports statutory purpose

Technology is presently updated

Sufficient Reserve, consistent with recorder's plan

Recorder requests specific identifiable portion to pay operating expenses



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IC 36-2-7-10.2 (b)(1)(A)

“the current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;”

- **Things to consider:**
 - ❖ **What needs to be purchased in the upcoming year?**
 - ❖ **How much revenue is the fund currently holding?**
 - ❖ **What is the estimated revenue for the next year?**



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IC 36-2-7-10.2 (b)(1)(B)

"the technology of the county recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and the county recorder's office;"

- *Things to consider:*
 - ❖ *Take inventory of the equipment used for the preservation of records*
 - ❖ *Do you currently have what you need?*
 - ❖ *Are there pieces of equipment that need replaced?*



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IC 36-2-7-10.2 (b)(1)(C)

"the fund has a sufficient reserve, consistent with the recorder's plan, to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purpose of the fund and the county recorder's office; and"

- *Create your plan:*
 - ❖ *Inventory list – should include the cost and useful life of the equipment*
 - ❖ *Should encompass more than 1 year*
 - ❖ *Estimation of what the future cost may be*
 - ❖ *Compare the reserve to the estimated cost*
 - ❖ *Consider estimated revenue in future years as well*



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IC 36-2-7-10.2 (b)(1)(D)

“the county recorder specifically requests that all or a specific, identifiable portion of the fund be used to pay the expenses of the county recorder’s office for the following calendar year; and”

- ***Request to the Council includes:***
 - ❖ ***For operating expenses to be paid***
 - ❖ ***Specific dollar amount identified***
 - ❖ ***To be used in the following calendar year (meaning it must be passed by December 31 for use in the upcoming year)***



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IC 36-2-7-10.2 (c)

Recorder submits sworn statement

Council may adopt an ordinance

No additional money may be used for operating expenses



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IC 36-2-7-10.2 (d)

“A county recorder's request and the county fiscal body's approval are valid for only the following calendar year. The requirements of this section must be met for each calendar year.”



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Audit Expectations

- ***First expectation is that the record perpetuation fund has been used for expenditures related to preservation of records and improvement of record keeping system.***
- ***If not, we will be looking for the sworn statement and ordinance approving the requested amount and audit for compliance with the statement and ordinance.***
- ***If the county is not compliant with the statute, there could be a finding and there could be a request to restore funds to the record perpetuation fund.***



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