

# RECORDER'S – STATUTORY FUNDS

Recorders Annual Conference 2019

## OVERVIEW OF FUND ACCOUNTING

- A fund is defined as a separate accounting entity, established from various sources, that is self balancing reporting the current cash balance as well as receipts and disbursements for the calendar year.
- All funds require appropriation before disbursements can be made, unless there is specific statutory authority to spend without appropriation.
- Fund Types
  - General Fund
  - Special Revenue Funds
- Statutory funds
  - Recorder's Record Perpetuation ; IC 36-2-7-10(d)
  - Surveyor's Corner Perpetuation ; IC 36-2-12-11
  - Elected Officer Training ; IC 36-2-7-19
  - County ID Security Protection Fund ; IC 36-2-7.5-11



## RECORDER'S RECORD PERPETUATION

### IC 36-2-7-10(f)

- The county treasurer shall establish a county recorder's records perpetuation fund. The fund consists of all fees collected under this section for deposit in the fund and amounts transferred to the fund from the county identification security protection fund under IC 36-2-7.5-11. Except as provided in section 10.2 of this chapter, 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.



### 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:
  - (1) the county recorder submits to the county fiscal body a **sworn statement** that:
    - ❖ (A) the current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;
    - ❖ (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;
    - ❖ (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
    - ❖ (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
  - (2) the county fiscal body **adopts an ordinance** approving the recorder's request under subsection (c).

## IC 36-2-7-10.2 Continued

- (c) Upon receiving the county recorder's sworn statement, the county fiscal body
  - may adopt an ordinance approving the county recorder's request. If the ordinance is adopted, the county fiscal body shall, if specifically requested by the recorder for the following calendar year, approve sufficient money from the fund.
  - The county fiscal body may not approve any more money from the fund for any purpose in excess of that requested by the county recorder.
  
- (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.

## IC 36-2-7-10.2 Continued

### Recorder's Plan:

- What is the useful life of your current technology?
- What contingency plan is in place if your technology is no longer supported by the vendor?
- What is the cost of new technology or technology upgrades?
- How will you finance the next upgrade or the next purchase of new technology?
  - ❖ Do you have sufficient reserves in place?
  - ❖ Will you be building up your reserves over time (define how much per year and number of years)?
  - ❖ How much do you need in reserve for your contingency plan?
  - ❖ What is the history of revenues to this fund over the past few years?



## RECORDERS RECORD PERPETUATION 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.



## SURVEYOR'S CORNER PERPETUATION

- Five dollars (\$5.00) for each deed the recorder records, in addition to the other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).
- **IC 21-47-3-3 Funding**
  - (a) The state, a state agency, or a unit may provide funding from available funds for the activities described in this chapter.
  - (b) A unit may pay the cost of any geodetic reference monument that is established within the boundaries of that unit.
  - (c) Money in the county surveyor's corner perpetuation fund collected under IC 36-2-7-10 or IC 36-2-19 may be used for purposes of this chapter.
- **IC 36-2-12-11(e) Administration of section; maintenance of corner record book; contents of record; procedure for establishment and perpetuation of corners**
  - Any money in the county surveyor's corner perpetuation fund collected under IC 36-2-7-10 or IC 36-2-19 may be appropriated in the manner provided by law for the purposes of this section.

## ELECTED OFFICER TRAINING



### IC 36-2-7-19 County elected officials training fund

Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011, establish a county elected officials training fund to supplement appropriations that may come from the county general fund to provide training of elected officials. The county **fiscal body shall appropriate** money from the fund.

(c) The fund consists of money deposited under IC 36-2-7.5-6(b)(2) and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(§1 of the County Identification security protection fee for recording or filing a document should be deposited into the elected officer training fund)

(d) Money in the fund shall be **used solely to provide training** of county elected officials required by IC 33-32-2-9, IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

## COUNTY ID SECURITY PROTECTION

### IC 36-2-7.5-11 County identification security protection fund

Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body **shall establish an identification security protection fund** to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section 6(b) of this chapter. Money in a fund **does not revert to the county general fund**. Money in a fund may be transferred to the county recorder's records perpetuation fund for the uses set forth in IC 36-2-7-10(f).

(d) A county recorder may use money in the fund only **to purchase, upgrade, implement, or maintain redacting technology, or to secure protection measures used in the office of the county recorder.**



QUESTIONS???