Indiana Auditor of State
www.in.gov/aos
317-232-3300

Indiana Department of Local Government Finance
www.in.gov/dlgf
Dan Jones, Asst Budget Director
317-232-0651
djones@dlgf.in.gov

Or
Your Local DLGF Field Representative
Indiana Open Door Law – Public Meetings

- Board meetings are governed by the Open Door Law, IC 5-14-1.5

- Under the Open Door Law, all meetings of governing boards must be open to the public except for executive sessions.
Indiana Open Door Law – Public Meetings

Notice to be given:

- Date, time and location of meeting
- At least 48 business hours in advance
- Must post at principal place of business or meeting location
- Annual notices are permitted
- Generally, no requirements to publish in newspaper
- Emergency meetings are exception to 48 hour notice requirement
- Prohibition on serial meetings

Indiana Open Door Law – Public Meetings

Executive Sessions – IC 5-14-1.5-6.1:

The specific circumstances under which an executive session can be held are in IC 5-14-1.5-6.1(b)

- Notice must include statutory purpose(s) for the meeting
- Meeting minutes must include certification that only the topics permitted under the Open Door Law were discussed
- No votes or final actions may be taken; final action required in a public meeting
Great tool for learning more about Indiana’s Open Door Law

Try link above or search the PAC’s website:

www.in.gov/iara
317-232-3380
Beverly Stiers
bstiers@iara.in.gov
PROMOTION OF CITY AND TOWN BUSINESS

IC 36-7-2-7 allows cities and towns to promote economic development and tourism. Such statute replaced a prior law which authorized cities and towns to budget and appropriate funds from the general fund to pay the expense of, or to reimburse city or town officials as the case may be, for expenses incurred in promoting the best interest of the city or town. Accordingly, a Home Rule ordinance needs to be adopted in accordance with IC 36-1-3 in order to enable a city or town to pay for such expenses. Additionally, an appropriation for such expenses must also be obtained.

In an effort to assist cities and towns that have not passed an enabling ordinance but who wish to establish the promotion of business ordinance, we are repeating wording contained in the old statute. Many municipalities have used similar wording in their enabling ordinance.

“City and town councils are authorized to budget and appropriate funds from the general fund of the city, or town, to pay the expense of or to reimburse city officials or town officials, as the case may be, for expenses incurred in promoting the best interest of the city or town. Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government and any other expenses of a civic or governmental nature deemed by the mayor or the town council to be in the interest of the city or town.”

This is furnished only for your information. Each city and town should establish, by ordinance, the parameters for such appropriations and expenditures. Such ordinance should list the specific types of promotional expenses which can be paid from moneys appropriated for such purpose. Please note that excessive amounts expended for employee meals, awards, gifts and similar expenses could be considered an audit result and comment item in an audit.

RECORDS & FORMS

The State Board of Accounts is charged by law with the responsibility of prescribing and installing a system of accounting and reporting which shall be uniform for every public office and every public account of the same class and contain written standards that an entity that is subject to audit must observe. [IC 5-11-1-2]
A prescribed form is one which is put into general use for all offices of the same class.

An approved form is for special use in a particular office.
RECORDS & FORMS

Cities and towns are required to use the forms prescribed or approved by the State Board of Accounts in the manner set forth by the Manual and/or Bulletins.

If it is desirable to use a different form or to have a prescribed form modified to conform to your local conditions, you can have the form “approved”.

PRESCRIBED FORMS, TAXES, GENERAL INFORMATION, LOCAL POLICIES, AND DEPOSITS AND INVESTMENTS

PRESCRIBED FORMS

A prescribed form is one which is put into general use for all offices of the same class, whereas an approved form is a computerized form for special use in a particular office.

Although the SBOA prescribes forms, copies of forms must be purchased from a public printer or other source.

Many computer software programs can create exact replicas of prescribed forms. Exact replica may be used as a prescribed form. If it is desirable to use a form other than a prescribed form that is not an exact replica, the new form must be approved.

For any form that is to be approved, the unit can start using the form as they have it ready. A log of these forms must be kept indicating the form it replaced and the effective date of the new form. At the beginning of an engagement, this log must be presented to the examiner.
New forms must be in place during at least one engagement and must not be an element of a finding or result and comment that is responsible or partially responsible for an exception found during an engagement to be considered approved. The unit is responsible for placing on new forms the year of installation in the upper right corner. This reference should be similar to “Installed in [Name of Unit] (20xx).” The unit agrees to comply with the following conditions, if applicable, for any new forms installed:

1. The forms installed are subject to review and/or recommendations during engagements of the unit to ensure compliance with current laws and uniform compliance guidelines.

2. Any receipts, checks, purchase orders, or other forms that require numbering shall be either pre-numbered by an outside printing supplier or numbered by the unit’s computer system with sufficient controls installed in the system to prevent unauthorized generation of the form or duplication of numbers.

3. All receipts must be either in duplicate or recorded in a prescribed or approved register of receipts.

4. All checks must be either in duplicate or recorded in a register of checks generated by the computer.

5. In the event a change is required due to the passage of a State or Federal law or a change in uniform compliance guidelines, the unit agrees to implement the change in a timely manner.

Officials and employees are required to use prescribed and approved forms in the manner prescribed.

Uses of Certain Funds:

• MVH
• LRS
• CCI
• Rainy Day
• Riverboat
• Law Enforcement
  Continuing Ed
• Public Safety
Use of Certain Funds:

**MOTOR VEHICLE HIGHWAY**

• Authorized under IC 8-14-1
  o Primary purpose – account for state motor vehicle highway distributions

• Specific Uses in IC 8-14-1-5
  o Principally used for construction and maintenance of streets and alleys
    construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree
    cutting and cleaning of highways

Use of Certain Funds:

**MOTOR VEHICLE HIGHWAY**

• Includes:
  ✓ Curbs
  ✓ Unit’s share of cost of separation of grades railroad crossings
  ✓ Purchase/lease of highway construction & maintenance equipment
  ✓ Traffic signs and signals
  ✓ Safety zones and devices
  ✓ Painting of structures, objects, surfaces in highways for purposes of safety and traffic regulation
Use of Certain Funds:

**MOTOR VEHICLE HIGHWAY**

- In addition:
  - Population < 5,000, can use no more than 15% for law enforcement purposes
  - Population > 5,000, can use no more than 10% for law enforcement purposes

Use of Certain Funds:

**LOCAL ROAD AND STREET**

- Authorized under IC 8-14-2
  - Primary purpose – account for state gasoline tax distributions

- Specific Uses in IC 8-14-2-5
  1. Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road & street systems
  2. Payment of principal & interest on bonds sold to finance road projects
  3. Local costs required to undertake a recreational or reservoir road project
  4. Purchase, rental, or repair of highway equipment
Use of Certain Funds:

**CUMULATIVE CAPITAL IMPROVEMENT**

- Authorized under IC 6-7-1
  - Primary purpose – account for state cigarette tax distributions

- Specific Uses in IC 6-7-1-31.1
  - Principally used for capital improvement – several uses detailed in this statute
  - Most notably 6-7-1-31.1(a)(9) – “for any other governmental purpose for which money is appropriated by the fiscal body of the city or town.”
  - IC 6-7-1-31.1(c) – can be transferred at any time by ordinance or resolution to General

Use of Certain Funds:

**RAINY DAY**

- Authorized under IC 36-1-8-5 and IC 36-1-8.5.1
  - Primary purpose – account for transfers of unused and unencumbered funds
  - Amount transferred may not exceed 10% of annual budget for that fiscal year
  - Fund created by ordinance in cities and towns

- Specific Sources and Uses
  - The ordinance creating the Rainy Day fund should specifically state the source of receipts to the fund, and
  - Specifically state what the fund can be used for
Use of Certain Funds:

**RIVERBOAT**

- Authorized under IC 36-1-8-9
  - Primary purpose – account for tax revenue received under
    - IC 4-33-12-6 – Riverboat admission taxes
    - IC 4-33-13 – Wagering taxes

- Specific Uses
  - “Money in the fund may be used for any legal . . . purpose of the unit.”

Use of Certain Funds:

**LAW ENFORCEMENT CONTINUING EDUCATION**

- Authorized under IC 5-2-8-2
  - Primary purpose – account for revenue from the following sources:
    - Law Enforcement Continuing Ed fees – IC 33-37-5-8
    - Inspection of Motor Vehicles – IC 9-17-2-12
    - Accident Report fees – IC 9-26-9-3
    - Gun permits – IC 35-47-2-3
    - Proceeds from sale of confiscated weapons – IC 35-47-3-2

- Specific Uses
  - For training law enforcement officers employed by a city/town and for equipment and supplies for law enforcement purposes. [IC 5-2-8-6]
Use of Certain Funds:

PUBLIC SAFETY

• Authorized under IC 6-3.5-1.1-25
  o Primary purpose – account for additional tax rate imposed for public safety.

• Specific Uses
  o For “Public Safety” as defined in IC 6-3.5-1.1-25(a):

Sec. 25. (a) As used in this section, "public safety" refers to the following:
(1) A police and law enforcement system to preserve public peace and order.
(2) A firefighting and fire prevention system.
(3) Emergency ambulance services (as defined in IC 16-18-2-107).
(4) Emergency medical services (as defined in IC 16-18-2-110).
(5) Emergency action (as defined in IC 13-11-2-65).
(6) A probation department of a court.