Remainder of Order of Business

January

1  Happy New Year! - Legal Holiday (IC 1-1-9-1)
15 "Assessment Date" for mobile homes as defined in IC 6-1.1-7-1. (IC 6-1.1-1-2)
19 Legal Holiday - Dr. Martin Luther King, Jr. Day. (IC 1-1-9-1)
20 Last date to report and make payment of State Income Tax withheld in December to Indiana Department of Revenue. (IC 6-3-4-8.1)
26 Make distribution of interest on congressional and cemetery funds - last Monday in month. (IC 20-42-2-7) (IC 23-14-70-3)
31 Last day to file Form 100-R, Report of Names and Compensation of Officers and Employees with the State Board of Accounts. (IC 5-11-13-1)

Last date to file quarterly unemployment compensation report with the Department of Workforce Development.

Last date to convene a meeting of the local board of finance in order to elect a president and a secretary and review investment report from county treasurer. (IC 5-13-7-6)

Last day to provide each employee with a W-2.

Last day to file quarterly report for the last quarter of 2014 with Internal Revenue Service.

Last day for the county council to meet to organize and elect officers for the year

February

12 Legal Holiday - Lincoln's Birthday (IC 1-1-9-1)
16 Legal Holiday - Washington's Birthday (IC 1-1-9-1)
20 Last date to report and make payment of State Income Tax withheld in January to Indiana Department of Revenue. (IC 6-3-4-8.1)
28 Last day for the board of county commissioners to meet to organize.
28 Last day for township trustees to file annual reports and vouchers with the County Auditor [IC 6-6-4-12(d)]]
REMINDER OF ORDER OF BUSINESS  
(Continued)

March

1  Last day to file 2014 Annual Financial Report with State Board of Accounts (IC 5-11-1-4)
   Annual assessment for all tangible, except mobile homes.  (IC 6-1.1-1-2)

20  Last day to report and make payment of State Income Tax withheld in February to Indiana
    Department of Revenue.  (IC 6-3-4-8.1)

OBSOLETE VOLUMES

All articles from Volumes 348 and earlier of The County Bulletin have now been updated and are no
longer applicable; thus Volumes 348 and earlier may be deleted from your file.

A complete index to The County Bulletin is included for your reference.

SOCIAL SECURITY TAX BASE CHANGES JANUARY 1

As of this writing the 2014 contribution rate will remain at 15.3 percent.  The tax rate for both
employees’ and employers’ shares for 2014 will be 7.65 percent (6.2% social security and 1.45% Medicare).

We further understand that the maximum amount of earnings that will be subject to Social Security
contribution increases January 1, 2014 to $117,000.

Please watch for updates on rates and contact the Internal Revenue Service at 1-800-829-1040 if you
should have any questions on this matter.

STATEMENT OF WAGES AND COMPENSATION

We reminded County Auditors to publish a statement of wages and compensation. Please review IC
36-2-2-19 for requirements.

At its second regular meeting each year, the executive shall make an accurate statement of the
county’s receipts and expenditures during the preceding calendar year. The statement must include the name
of and compensation paid to each county officer, deputy, and employees. The executive shall post this
statement at the courthouse door and two (2) other places in the county and shall publish it in the manner
prescribed by IC 5-3-1.

COUNTY COMMISSIONERS’ MEETINGS

The executive (Commissioners) shall hold a regular meeting at least once each month and at other
times as needed to conduct all necessary business. Dates of regular meetings shall be established by
resolution at the first meeting in February of each year. (IC 36-2-2-6)
ENCUMBERED APPROPRIATIONS

Whenever a valid appropriation has been lawfully encumbered by a contract or by the issuance of a purchase order, the appropriation to the extent of the encumbrance may be carried forward to the succeeding year and made available for payment of the obligation which encumbered it. Only so much of the appropriation as is lawfully encumbered by contract or purchase order may be carried forward; the amount remaining in the appropriation account shall revert at the close of the year.

COUNTY AUDITOR – CLERK OF COUNTY BOARD OF COMMISSIONERS

"The county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive." (IC 36-2-2-11) "If the auditor cannot perform the duties of clerk during a meeting of the county executive, and the auditor does not have a deputy or the auditor’s deputy cannot attend the meeting, the executive may deputize a person to perform those duties during the meeting." (IC 36-2-9-7) No provision is made for anyone else to keep the records or proceedings of the commissioners, except as stated in IC 36-2-2-11 and IC 36-2-9-7.

CALULATION OF INTEREST ON JUDGMENTS

IC 24-4.6-1-101 states "Except as otherwise provided by statute, interest on judgments for money whenever rendered shall be from the date of the return of the verdict or finding of the court until satisfaction at:

(1) the rate agreed upon in the original contract sued upon, which shall not exceed an annual rate of eight percent (8%) even though higher rate of interest may properly have been charged according to the contract prior to judgment; or

(2) an annual rate of eight percent (8%) if there was no contract by the parties."

County Form 18TJ is the appropriate form to Calculate Interest on Judgments.

MOVING TRAFFIC VIOLATIONS

We have, in the past, become aware of some creative funding ideas for a few County Sheriff and Police Departments. It is our understanding if a cash donation is made to a law enforcement agency, then there will not be any formal court proceedings. These cash donations are being held by the agencies and not accounted for within the financial records of the unit.

We would draw your attention to IC 33-37-4 which sets the court costs which are required to be collected by the Clerk of the Circuit Court. These court costs are split between the State, County, and City and Town. At the county level twenty-seven percent (27%) of all court costs are deposited within the general fund of the local unit to be used within the operating budget of each unit. It would appear by accepting these donations in lieu of charging the court cost required, the local law enforcement agency would be decreasing the amount of revenue available to the unit as a whole.

We know of only two exceptions where the entire costs or a portion of the court costs may be waived, the Pretrial Diversion Fee and the Deferral Program Fee.
MOVING TRAFFIC VIOLATIONS (Continued)

Pretrial Diversion Fee

IC 33-37-4-1(c) states "Instead of the criminal costs fee prescribed by this section… except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person." This statute goes on to define the amount and instructs the clerk to forward these fees to the auditor for deposit in a User Fee Fund for Pretrial Diversion. IC 33-39-1-8 requires the terms of this agreement to be recorded in an instrument signed by the person and the prosecuting attorney and to be filed in the court in which the charge is pending.

Deferral Program Fee

IC 33-37-4-2(e) states "Instead of the infraction or ordinance violation costs fee…the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney…and the person charged with a violation entered into under IC 34-28-5-1 requires payment of those fees by the person charged with the violation." Actions may be deferred under IC 34-28-5-1 (h) if five (5) conditions are met. Number 4..."the defendant in the action agrees to pay court costs of twenty-five dollars ($25) to the clerk of court if the action involves a moving violation" and Number 5," the agreement is filed in the court in which the action is brought. When a defendant complies with the terms of an agreement filed under this subsection, the prosecuting attorney…shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection the court shall dismiss the action…"

If your agency or department is settling charges in lieu of the statutory fees, we would draw your attention to the following code citings: IC 9-30-3-11(c) states "The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense…"

IC 9-30-3-11(e) states "Upon failure of a court officer to comply with subsection (c) the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action."

DEPOSIT OF PUBLIC FUNDS

The Depository Act, IC 5-13-6-1, provides that all public funds paid into the treasury of any political subdivision shall be deposited daily in one or more depositories and the balances maintained in the depositories in the name of the political subdivision by the officer having control of the funds. It is extremely important that the provisions of this Act be strictly followed.

IC 5-13-14-3 provides in part: "A public servant who violates the depository duties in this article is subject to criminal prosecution under IC 35-44.2-2-1. The public servant also is liable upon official bond for any loss or damage that may accrue."

The Depository Act also provides that public funds deposited shall be deposited in the same form in which they were received. (IC 5-13-6-1(c))
ELECTION AND REGISTRATION FUND

IC 3-5-3-2 authorizes the board of commissioners in each county to establish an Election and Registration Fund and annually levy a tax sufficient to meet the average yearly expenditures for elections and registration of voters. This fund, when established, can be used for no other purpose. It is not mandatory, but offers a means whereby the cost of elections and registrations may be spread evenly each year and will not cause the total of county tax rates to be greater in election years than in other years in which no elections are held.

CANCELLATION OF WARRANTS

IC 5-11-10.5-2 provides that all warrants (checks) drawn upon public funds of the county, which are outstanding and unpaid for two or more years as of December 31 of each year, shall be void.

Not later than March 1 of each year, the county treasurer shall prepare a list in triplicate of all warrants or checks that have been outstanding for a period of two or more years as of December 31 of the preceding year. The original copy of such list shall be filed with the county board of finance, the duplicate copy filed with the county auditor and the triplicate copy filed in the office of the county treasurer.

The amounts of such warrants shall be receipted into the fund or funds from which originally drawn by writing an official receipt or receipts therefore. If the fund from which the warrant was drawn is not now in existence or cannot be ascertained, the amount of such warrant shall be receipted into the county general fund. Upon issuing the receipt or receipts the warrants shall then be removed from the treasurer's list of outstanding warrants.

COUNTY HIGHWAY EXPENSES

IC 8-18-8-5 states in part: "...all expenses incurred in the maintenance of county highways shall first be paid out of such funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state, ...in addition a county may use funds derived from the:

(1) County motor vehicle excise surtax
(2) County wheel tax
(3) County adjusted gross income tax
(4) County option income tax
(5) Riverboat admission tax (IC 4-33-12)
(6) Riverboat wagering tax (IC 4-33-13)
(7) Property taxes and miscellaneous revenue deposited in the county general fund

DRAINAGE FUNDS

Exemptions from Appropriations:

Recent research and investigation has resulted in a change to our audit position regarding the need for an appropriation of maintenance and reconstruction funds for drainage projects. Based upon review of IC 36-2-9-14 (d) (4), we are amending our position related to drainage maintenance, drainage construction/reconstruction funds. IC 36-2-9-14 (d) (4) provides an exception, for these funds, to the requirement in IC 36-2-5-2 (b) that funds must be appropriated prior to disbursement.
DRAINAGE FUNDS (Continued)

Chart of Accounts

Each regulated drain or combination of drains that receives an assessment for maintenance should have a sub account within the Drain Maintenance Fund (Fund 2700). The Drain Maintenance Fund is established by IC 36-9-27-44. The Drain Maintenance Fund will consist of the money received from annual assessments upon the lands benefited by the periodic maintenance of the drain; penalties received on the collection of delinquent annual assessments for periodic maintenance of the drain and money received from any person as compensation for damages suffered to the drain. If the county surveyor determines that annual maintenance of any drain will be less than $1,500 that drain is exempt from the requirement that a drain maintenance fund be established. Whenever a drain maintenance fund has not been established the costs for the maintenance of said drain would be paid from the General Drain Improvement fund.

The General Drain Improvement Fund (Fund 1158) is established by IC 36-9-27-73. The General Drain Improvement fund is used to account for the maintenance costs of all drains that do not have a maintenance fund as described above and for the construction or reconstruction of a regulated drain or the removal of obstructions from a regulated drain. The proceeds from the sale of bonds or money received from loans under IC 39-9-27-97.5 would be deposited to the General Drain Improvement fund. In addition this Fund would consist of all funds transferred to the fund on January 1, 1985; costs collected from petitioners in a drainage proceeding; money received from the assessments upon land benefited for construction/reconstruction of a drain; interest and penalties received on collection of delinquent drain assessments and interest on deferred payments; appropriations made from the General Fund or taxes levied by the county fiscal body for drainage purposes; and any money repaid from a Maintenance Fund.

The chart of accounts also includes a Fund 2600 entitled Drain Construction/Reconstruction. This fund was not established by statute, but is included in the chart of accounts as a way to allow counties to separately track drain construction or reconstruction projects. From an accounting perspective, the use of this fund would establish a construction account that would track the receipt of bond or loan proceeds and the construction costs of a particular drain and more easily identify the activities for the construction project. The 2600 fund would also allow the county to establish subaccounts if more than one drain was in a construction/reconstruction phase and separately track each drain’s activities. If the county chooses this option, the General Drain Improvement fund (Fund 1158) will still include all of the statutory functions with the exception of the debt proceeds and construction costs. In addition, the assessments collected for repayment of the construction costs would be posted to the Drain construction/Reconstruction Fund (Fund 2600) for all construction not funded by the sale of Bonds. When a construction/reconstruction project is complete, any money remaining in the 2600 fund for that project would be repaid to the General Drain Improvement fund.

When the Drainage Board determines that the final assessment for the construction/reconstruction of a drain cannot conveniently be paid within five years, they must issue bonds to finance the construction/reconstruction. If bonds are issued then the County must establish a Drainage Bond Redemption Fund, which would be in the Debt Service funds (4600 series). The statute for the Bond Redemption fund is IC 36-9-27-97. The assessments paid by landowners (principal, interest and penalty) would be posted to the Drainage Bond Redemption Fund.

We would not take audit exception to either the county’s use of the 2600 Fund for Construction/Reconstruction of drains or the county’s choice to track all construction/reconstruction activity in the General Drain Improvement Fund (Fund 1158).
DOCUMENT FEES – COUNTY COURT

A court shall collect a fee of one dollar ($1) per legal size or letter size page, including a page only partially covered with writing, for preparing a transcript or copy of any record. However, this would not apply to the transmitting of a document by facsimile machine or other electronic device or the preparation or copying a record through the use of enhanced areas under IC 5-14.3 or by a governmental entity using an electronic device. (IC 33-37-5-1)

COURTS – LATE PAYMENT FEES

A court may adopt a local rule to impose a late payment fee on defendants paying court costs, fees, fines and civil penalties after the due dates set by the court for payment of such amounts. The clerk of a court that adopts a local rule imposing a late payment fee shall collect a late payment fee of twenty five dollars ($25) from the defendant.

The clerk of the court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected. The county auditor shall deposit fees distributed by a clerk in the county general fund and the clerk's record perpetuation fund if directed so by ordinance of the county council. (IC 33-37-5-22 and IC 33-37-7-1)

CLERK’S RECORD PERPETUATION FUND

IC 33-37-5-2 requires each clerk to establish a clerk's record perpetuation fund. The following shall be deposited in the fund:

1. revenue received by the court clerk for the transmitting of documents by facsimile machine to a person under IC 5-14-3;
2. document storage fees required under IC 33-37-5-20; and
3. the late payment fees imposed under IC 33-37-5-22 that are authorized for deposit in the perpetuation fund under IC 33-37-7-2.
4. the fees required under IC 29-1-7-3.1 for deposit of a will
5. automated record keeping fees deposited in the fund under IC 33-32-7-2(m)

Such fees are to be remitted by the court to the county auditor at the end of each month.

The clerk of the court may use the money in the fund for the preservation of records; the improvement of record keeping systems and equipment, and case management system, the fund would require appropriation.

BANK/CREDIT CARD PAYMENTS TO COUNTY COURTS

The clerk of the court may contract with a bank or credit card vendor for acceptance of bank or credit cards in payment of bail, fines, civil penalties, court fees and costs, or fees for the preparation, duplication, or transmission of documents. However, if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a credit card service fee equal to the vendor transaction charge or discount fee from the person using the bank or credit card.

The court clerk shall forward credit card service fees collected to the county auditor. These fees may be used without appropriation to pay transaction charges or discount fees charged by the bank or credit card vendor. (IC 33-37-6)
PROCUREMENT CARDS

We have received inquiries concerning the potential use of "procurement cards." We understand some of the intended benefits of procurement cards are to add controls as to where purchases can be made; limit values of each purchase; prevent overspending the budget items; institute parameters on purchases; possibly reducing paperwork; etc.

The State Board of Accounts will not take exception to the use of procurement cards by a governmental unit provided the following criteria are observed:

1. The governing board must authorize procurement card use through an ordinance or resolution.
2. Issuance and use should be handled by an official or employee designated by the board.
3. The purposes for which the procurement card may be used must be specifically stated in the ordinance or resolution.
4. When the purpose for which the procurement card has been issued has been accomplished, the card should be returned to the custody of the responsible person.
5. The designated responsible official or employee should maintain an accounting system or log which would include the names of individuals requesting usage of the cards, their position, estimates amounts to be charged, fund and account numbers to be charged, date the card is issued and returned, etc.
6. Procurement cards should be used in conjunction with the accounting system.
7. Payment should not be made on the basis of a statement or a procurement card slip only. Procedures for payments should be no different than for any other claim. Supporting documents such as paid bills and receipts must be available. Additionally, any interest or penalty incurred due to late filing or furnishing of documentation by an officer or employee should be the responsibility of that officer or employee.
8. If properly authorized, an annual fee may be paid.
9. Procurement cards shall not be used to procure cash advances or at "ATM" machine or as a debit card.
10. An audit trail must exist for all transactions including changes made by an "administrator."
11. Access to transactions in accordance with the Public Records Law, IC 5-14-3-1 et seq. as appropriate must be assured.
12. Procurement card agreements should not contain references to debt.
13. Governmental Units need to have available (if applicable) a copy of "SAS 70" audits of a sponsoring bank.

INTEREST RATE on TAX OVERPAYMENTS AND UNDERPAYMENTS

From the Department of Revenue: "Pursuant to IC 6-8.1-10-1, the rate of interest for an underpayment of tax and an excess tax payment is the percentage rounded to the nearest whole number that equals two percentage points above the average investment yield on state general fund money for the states’ fiscal year ending June 40, 2014, excluding pension fund investments, as provided by the State Treasurer’s office. The rate of interest for an underpayment of tax and an excess tax payment for calendar year 2015 will be 3%.”

In addition we have included a historical list of calculated percentages for the past 10 years. This information can be found on the Department of Revenue website.
HISTORICAL INTEREST RATE LIST

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COUNTY HIGHWAY OPERATIONAL REPORT

This report is to be filed with the State Board of Accounts by June 1. We will have it available on our website at www.in.gov/sboa for you to retrieve, sometime in January.
ESTABLISHING THE ESTIMATED COST OF CAPITAL ASSETS

When it is not possible to determine the historical cost of fixed assets owned by a governmental unit, the following procedure should be followed.

Develop an inventory of all fixed assets which are significant for which records of the historical costs are not available. Obtain an estimate of the replacement costs of these assets. Through inquiry determine the year or approximate year of acquisition. Then multiply the estimated replacement cost by the factor for the year of acquisition from the Table of Cost Indexes. The resulting amount will be the estimated cost of the asset.

In some cases estimated replacement cost can be obtained from insurance policies; however, if estimated replacement costs are not available from insurance policies, you should obtain or make an estimate of the replacement costs.

If the replacement cost is estimated to be $76,000.00 and the asset was constructed about 1930, then the estimated cost of the asset should be reported as $6,840.00.

$76,000.00 X .09 = $6,840.00

TABLE OF COST INDEXES
1915 to 2011

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The following rates, effective January 1, 2015, were computed based upon the statutorily authorized 2.75% increase allowed by IC 5-3-1-1(b)(3). Any percentage increase other than the 2.75% will require a separate computation by the State Board of Accounts. After December 31, 2009 a newspaper or qualified publication may, effective January 1 of any year increase the basic charges by not more than 2.75% more than the basic charges that were in effect during the previous year.

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ABANDONED VEHICLES (IC 9-22-1)

ACCESS TO PUBLIC RECORDS (IC 5-14-3)

ACCIDENT REPORTS FUND (IC 9-29-11-1)

ADMINISTRATIVE RULE 81. FACSIMILE TRANSMISSION

ADOPTION MEDICAL HISTORY FEES (IC 31-19-20-3 and IC 31-19-24-5)

ADVANCE TAX SETTLEMENT (See Taxation)

ADVERTISING AND NOTICES (See Legal Advertising)

AGRICULTURAL AGENT (See Cooperative Extension Service)

AGRICULTURAL ASSOCIATIONS, FAIRS AND 4-H CLUBS

Allowance by County

AIRCRAFT LICENSE EXCISE TAX (IC 6-6-6.5)

AIR POLLUTION (IC 36-8-2-8)

AIRPORTS (See Aviation Board)

ALCOHOL AND DRUG SERVICES PROGRAM (IC 12-23-14)

AMBULANCE SERVICE (IC 16-31-5-1)

ANNUAL REPORT (AR) (IC 36-2-2-19)

APPLICATION TO PAY

APPROPRIATIONS

Additional

Bond Proceeds (IC 5-1-2-1)

Bridge Construction and Repair (IC 36-1-12-3)

Contracts - Required Before Award of (IC 36-2-6-12)

Corrections and Refunds - Restoration of Appropriation

(IC 6-1.1-17 and IC 6-1.1-18)

Emergency Telephone System Fund

Encumbrances - Appropriations Carried Forward

Homerule

Insurance Benefits (IC 6-1.1-18-7)

Required by County Council Only

Refunds

Transfers of

When Not Required
INDEX TO THE COUNTY BULLETIN - Page 2

APPROVAL OF FORM REQUIREMENTS
392-9 thru 11

ARSON INVESTIGATION FINANCIAL ASSISTANCE FUND (IC 22-12-6-2)

ASSESSOR - COUNTY
Mileage - County Assessor and Deputies (IC 36-2-7-5, 6 and 7)
Per Diem and Mileage - Attending Meetings of Department of Local Government Finance (IC 6-1.1-35-3)
Salary (See Salaries and Wages)

ASSESSORS - TOWNSHIP
Bond - Amount and Approval (IC 5-4-1)
Bond Premium - Payment of
Books and Supplies
Deputies and Employees
Compensation (See Salaries and Wages)
Mileage (IC 36-6-8-9)
Reassessment Per Diem Compensation (IC 36-6-8-5)
Salaries’ (See Salaries and Wages)
Assessment Registration Notices
392-7

ASSIGNMENT OF WAGES
382-11 and 12

ATTORNEY GENERAL
Checks To

AUDITOR
Clerk of the Board of County Commissioners (IC 36-2-2-11)
349-2
Deputies Salaries (See Salaries and Wages)
Endorsement on Deeds (IC 36-2-9-18)
Mileage (See County Officers)
Questions from 2004 Fall Conference
Questions from 2005 Spring Conference
Questions from 2005 Fall Conference
Questions from 2006 Fall Conference
Questions from 2006 Spring Conference
Questions from 2007 Fall Conference
Questions from 2008 Spring Conference
Questions from 2008 Fall Conference
Questions from 2009 Spring Conference
Questions from 2009 Fall Conference
Questions from 2010 Spring Conference
Questions from 2010 Fall Conference
Questions from 2011 Spring Conference
Questions from 2011 Fall Conference
Questions from 2012 Spring Conference
Questions from 2012 Fall Conference
Questions from 2013 Spring Conference
Question from 2013 Fall Conference
Questions from 2014 Spring and Fall Conference
Salary (See Salaries and Wages)

AUDITORS INELIGIBLE DEDUCTION FUND
391-6
AVIATION BOARD (IC 8-22-2)

BAIL (IC 35-33-8)

BANK RECONCILEMENTS, MONTHLY 376-6

BANK/CREDIT CARD PAYMENTS TO COUNTIES 390-9 and 10

BIDS AND CONTRACTS (See Purchases, Printing Contracts, Highway Purchases and Public Works Contracts)

BOARD OF COUNTY COMMISSIONERS
   Auditor to Serve as Clerk of Board (36-2-2-11) 394-3
   County Administrator - Appointment of (IC 36-2-2-14)
   Meetings, Date of 391-3; 394-2
   Mileage (See County Officers)
   Salary (See Salaries and Wages)

BOARD OF FINANCE (See Public Funds)

BOAT EXCISE TAX

BOAT EXCISE TAX FUNDS
   County 372-4

BOND FUNDS
   Premium and Accrued Interest - Disposition of 393-5

BONDS (See Official Bonds)

BORROWING 393-3

BRIDGES
   Construction and Repair - Appropriation itemized 393-5 and 6
   Covered Bridges (IC 8-14-1-10)
   Cumulative Bridge Fund (IC 8-16-3) 393-6

BUILDINGS (See Public Works Contracts)

BURIAL OF MEMBERS OF ARMED FORCES
   Allowance for Setting Grave Marker 358-5

CAPITAL ASSETS 363-6 and 7

CAPITAL IMPROVEMENT BOARDS (IC 36-10-8-1)

CASH CHANGE AND PETTY CASH FUNDS (IC 36-1-8-2 and 3) 384-5 and 6
CEMETERIES
  Acceptance of Funds Deposited With County 359-4 and 5
  Care by County 359-4 and 5
  County Cemetery Commission 359-4 and 5
  Investment of Unloaned Funds 359-4 and 5
  Loans - Limitation on and Fees (IC 23-14-70) 359-4 and 5
  Payment of Interest on Funds in Trust 359-4 and 5
  Trust Funds - Return of 359-4 and 5

CERTIFIED MAIL
  Permitted Instead of Registered (IC 1-1-7-1)

CHANGE OF VENUE
  Fee 371-3,
  Items Chargeable (IC 34-35-5-2) 353-5 and 6
  Trial Defined (IC 34-35-5-2)

CHART OF ACCOUNTS 376-3

CHILD LABOR LAW RESTRICTIONS (IC 20-33-3)

CITY AND TOWN COURT COST FUND 376-6 and 7;
  393-13 and 14

CLAIMS
  Advertising Requirements 370-12
  Certification (IC 5-11-10)
  Signatures 385-10

CLERK OF CIRCUIT COURT
  Bail Bonds, Expiration of 394-7
  Bank/Credit Card Payments 394-7
  Bond Administration Fee 381-9
  Bondsman's and Runner's License
  Judgment - Calculation of Interest 394-2
  Mileage (See County Officers)
  Overweight Vehicle Fines 367-7
  Questions from 2005 Annual Conference 353-18 thru 25
  Questions from 2007 Annual Conference 361-4 thru 8
  Questions from 2008 Annual Conference 366-8 thru 10
  Questions from 2009 Annual Conference 370-13 thru 17
  Questions from 2010 Annual Conference 375-6 thru 9
  Questions from 2011 Annual Conference 380-32 thru 35
  Questions from 2012 Annual Conference 385-10 thru 12
  Questions from 2013 Annual Conference 390-20 thru 25
  Questions from 2014 Annual Conference 393-44 thru 50
  Record Perpetuation Fund 394-7; 388-5
  Recording Bonds
  Salaries (See Salaries and Wages)
  Small Claims Cases - Trial by Jury
  Special Death Benefit Fee 354-17
  Support Docket Fees 354-11 and 12
  Support Order - Residence Changed 363-5
  Sub-Agents Appointed by Clerks of Circuit Court to Sell Finish and
  Game License 363-4
INDEX TO THE COUNTY BULLETIN - Page 5

COMMISSIONERS (See Board of County Commissioners)

COMMISSION ON PUBLIC RECORDS (IC 5-15-5.1)

COMMISSIONS ON VENDING MACHINES

COMMON CONSTRUCTION WAGE ACT

COMMUNITY CORRECTIONS PROGRAM GRANTS

COMMUNITY HEALTH PLANNING (See Health Department)

COMPENSATION – ANNUAL SALARIES – PROPER PAYMENTS

COMPENSATORY TIME - FSLA

COMPUTER SYSTEMS

CONFLICT OF INTEREST

CONGRESSIONAL SCHOOL FUND INTEREST

CONSERVANCY DISTRICTS (IC 14-33)

CONTRACT CONFLICT

CONTRACTS (See Purchases, Printing Contracts, Public Works Contract)

COOPERATIVE EXTENSION SERVICE (IC 20-12-42.1-1)

COOPERATIVE UNDERTAKINGS BETWEEN GOVERNMENTAL UNITS

COPY FEES

CORONER

AUTOPSIES

No Payment to Coroner for Physician to Perform - Fee (IC 36-2-14-6)

Mileage (See County Officers)

Monies Found on Deceased Persons

Salaries (See Salaries and Wages)

Training and Continuing Education Fee (IC 16-37-1-9)

Witness Fees (IC 36-2-14-8)

COST SAVING INCENTIVE PROGRAM

COUNTY ADMINISTRATOR (IC 36-2-2-14)

COUNTY CORRECTIONS FUND (IC 11-12-6)

COUNTY COMMISSIONERS (See Board of County Commissioners)
INDEX TO THE COUNTY BULLETIN - Page 6

COUNTY COUNCIL
  Mileage (See County Officers)
  Notice - Annual and Special Meetings (IC 36-2-3-7) 393-7; 375-3 and 4
  Salary of Council Members (See Salaries and Wages)
  Salaries and Wages of Officers and Employees Paid by County (IC 36-2-5-3)
  Term 359-4

COUNTY DEPARTMENT OF BUILDINGS (IC 36-7-8)

COUNTY ELECTED OFFICIALS TRAINING FUND 382-12

COUNTY EXTRADITION FUND 353-8 and 9

COUNTY HIGHWAY ENGINEER (See Highways, County)

COUNTY HOME
  Charges 393-4
  Cost of Care of Residents
  Maintenance Ledger 393-3
  Report of Superintendent 393-3

COUNTY INCOME TAXES (IC 6-3.5)

COUNTY LANDFILL (IC 36-9-30)
  (See Solid Waste Disposal)

COUNTY LAND VALUATION COMMISSION 359-6, 7 and 8

COUNTY LAW ENFORCEMENT EDUCATION FUND 357-10 and 11; 363-2 and 3

COUNTY MISDEMEANANT FUND (IC 11-12-6) 357-8
  Deposit and Users

COUNTY OFFICERS (See Agricultural Agent, Assessor,
  Auditor, Board of County Commissioners,
  Board of Education, Clerk of Circuit Court,
  Coroner, County Council, Recorder, Sheriff,
  Superintendent of Schools, Surveyor, and Treasurer)
  Changing Compensation 381-5
  Meetings Called by State Board of Accounts (IC 5-11-14)
  Mileage Allowances - Elected Officials - Except Sheriff (IC 36-2-7-3)
  Mileage Allowances - Sheriff (IC 36-2-7-4)
  Salaries (IC 36-2-5-3)
  Salaries (See Salaries and Wages)

COUNTY OWNED PROPERTY
  Leases of (IC 36-1-11-10) 353-9; and 10
  Sale of - Procedure 393-16, 17 and 18
INDEX TO THE COUNTY BULLETIN - Page 7

COUNTY USER FEE FUND 366-3; 371-4 and 5; 378-1 and 2

COURT FEES 355-6 and 7; 360-13; 372-11 and 12; 382-12 and 13; 384-2

Child Restraint System Penalties 351-3
Civil and Small Claim Service Charges 351-3
Hardship 382-12 and 13
Partial Payments of Criminal Court Costs and Fees 360-13 and 14

COURT COST - GOVERNMENTAL UNITS 355-2

COURT REPORTERS, TRANSCRIPT PREPARATION 357-3 and 4

COURTS
Appointment and Compensation of Attorneys for Poor Persons (IC 33-40-2) 351-3
Child Restraint System Penalties
Jurors - Per Diem and Mileage (IC 33-37-10-1) 380-17 and 18; 394-7
Late Payment Fees (IC 33-37-5-22)

Small Claims - Trial by Jury
Temporary Judges 353-2; 393-14
Traffic Violations Bureau 384-3 and 4
Trust Funds

COURT MARTIAL FINES (IC 10-16-9-3) 392-2

CREDIT CARDS, SERVICE CHARGE 382-4 and 5

CUMULATIVE BUILDING FUNDS
Bridges (IC 8-16-3) 380-18 thru 20
Capital Improvement (IC 36-9-14.5)
Courthouse (IC 36-9-14)
Hospital (IC 16-12.1-4-4)
Jails (IC 36-9-15)
Capital Development (IC 36-9-15.5)
DLGF Authority in Fixing Levy (IC 6-1.1-17-16.5)

DEAF SCHOOL (See Blind and Deaf Schools)

DEATH DEEDS 374-2

DEATH AND MORTAGE RELEASE LISTS 385-5

DECEASED PERSON – MONEY FOUND ON 385-3

DECEASED PERSON - PAYMENT OF MONEY DUE 385-6 and 7

DEFERRAL PROGRAM 380-15 and 16; 381-6

DEFERRED COMPENSATION (IC 5-10-1.1) 363-3

DELIQUENT TAXES (See Taxation and Tax Sales)
INDEX TO THE COUNTY BULLETIN - Page 8

DEPOSITORIES (See Public Funds)

DEPUTY COUNTY OFFICERS
Number and Salaries (IC 36-2-5-3)

DESTRUCTION OF CANCELLED BONDS AND COUPONS 380-21 and 22

DISABLED VETERAN - CREDIT AGAINST LICENSE EXCISE TAX 358-4 and 5

DISASTER RELIEF FUNDS – ACCOUNTING AND BUDGETING 351-3

DISINTERNMENT, DISENTOMBMENT, AND DISINURNMENT 387-5

DOC REIMBURSEMENT TO COUNTIES FOR HOUSING STATE PRISONERS 392-7

DOCUMENT FEES – COUNTY COURT 394-7

DOG POUNDS (IC 36-8-2-6)

DOG TAX (IC 6-9-39)

DONATIONS TO FOUNDATIONS 376-6

DORMANT FUNDS 353-4 and 5

DRAINAGE FUNDS (See Accounting Manual for Public Drainage Funds)
Drainage Construction and Maintenance 394-5 and 7
Use of Own Work Force 357-5
Expenses 354-6; 394-5
Advancing General Drain Improvement Money 354-6 and 7
Maintenance Expense 354-6 and 7; 384-7
Penalties on Delinquent Assessments 354-6; 370-3 and 4

DRUG FREE COMMUNITY FUND (County) 374-6 and 7; 375-6
and 7; 392-5 and 6

DUAL OFFICEHOLDING (See Lucrative Offices)

DUNS NUMBER 391-5

ECONOMIC DEVELOPMENT COMMISSIONS (IC 36-7-12)

EDIT 355-4 and 5; 393-19

EDUCATION LICENSE PLATE FEE 362-3 and 4

ELECTED OFFICE AND BEING EMPLOYED 384-10 thru 27

ELECTIONS
Board of Absent Voters - Compensation (IC 3-11-10-38) 362-4, 5 and 6
Campaign Finance Report Civil Penalty
City Elections
Billing and Reimbursement to County Apportionment Work Sheet 393-18
Election and Registration Fund 394-5
ELECTIONS (Continued)
Instructional Meetings 360-3 and 4
Precinct Officers
  Compensation (IC 3-6-6-25)
Registration of Voters
  Compensation of Officers and Assistants (IC 3-7-12)
Voting Machine Cumulative Fund (IC 3-11-6)

ELECTRONIC FUNDS TRANSFER 353-2
ELECTRONIC FUNDS TRANSFER OF STATE AND COUNTY TAXES 350-3
ELECTRONIC MAP GENERATION FUND 388-4
EMERGENCY TELEPHONE SYSTEM FEES 366-4
ENHANCED ACCESS FUND 388-4
ESTIMATED COST OF FIXED ASSETS 394-10

EXAMINATION OF RECORDS
  Reports of (IC 5-11-5)

EXTRADITION OF PRISONERS (IC 35-33-14)

FAIR LABOR STANDARDS ACT 360-6 and 7

FAIRS (See Agricultural Associations, Fairs and 4-H Clubs)

FEDERAL AND STATE AGENCY TELEPHONE AND ADDRESSES

FEDERAL AUDIT REQUIREMENTS 350-6 thru 8
FEDERAL DATA COLLECTION FORMS 384-9 and 10
FEDERAL DIESEL FUEL EXCISE TAX 357-3
FEDERAL REIMBURSEMENT FOR HOUSING FEDERAL PRISONERS 372-3; 377-8

FIELD EXAMINER IDENTIFICATION 375-2
FINANCIAL ASSISTANCE TO ENTITIES 390-12
FINANCIAL STATEMENTS (IC 36-2-2-19)
FINDERS FEES BY COLLECTION AGENTS 367-5

FIRE PROTECTION DISTRICTS (IC 36-8-11)
FIREARMS - DEALER'S LICENSE 357-9
FIREARMS TRAINING FUND 374-4

FLOOD CONTROL ACT (IC 14-28)
INDEX TO THE COUNTY BULLETIN - Page 10

FORESTRY FUNDS AND LANDS
  Distributions 357-9

FORFEITURES OF 10% CASH BONDS 378-4 and 5; 384-8 and 9

FORMS AND RECORDS
  Approval of by State Board of Accounts 354-13 thru 16; 374-1; 390-9 thru 11 387-3
  Inspection
  Microfilming (IC 5-15-1-1)
  Year 2000

FUGITIVES, RETURN OF
  Uniform Criminal Extradition Act (IC 35-33-10)

FUNDS (See Public Funds)

FUNDS, CREATING NEW 381-7

GAO INDEPENDENCE STANDARD 391-4

GASB 68 – ACCOUNTING AND FINANCIAL REPORTING FOR PENSIONS 393-50 thru 52

GHOST EMPLOYMENT 385-9 and 10

GRAVE MARKERS

GRANT ANTICIPATION NOTES (IC 5-19-1.5)

GUARANTEED ENERGY SAVINGS CONTRACTS 378-6

GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE SERVICES

HEALTH DEPARTMENT, COUNTY
  Compensation of Officers and Employees (IC 16-20-1-15 and IC 36-2-5-3)
  Home Health Care Programs (IC 16-19-3-21)
  Public Health Nursing Association - Aid to (IC 16-20-7)

HIGHWAYS, COUNTY
  Accounting System, for Local Road and Streets (IC 8-17-4.1)
  Construction and Repair (IC 36-1-12)
  Engineer (IC 8-17-5) 359-3; 375-4
  Expenses Not to be Paid From County General 394-5
  Operational Report 394-9
  Private Road Work 353-10 and 11
  Railroad Crossings - Maintenance Costs (IC 8-6-12-1)
  Supervisor
    Salary (See Salaries and Wages)
INDEX TO THE COUNTY BULLETIN - Page 11

HIGHWAYS, STATE (See State Highway Department)

HOLIDAYS (IC 1-1-9-1)

HOLIDAYS, MEETINGS ON 387-4

HOME RULE 380-12 thru 14

HOMESTEAD CREDIT REBATE CHECKS 360-15

HOSPITALS - COUNTY (IC 16-22-2)
  Hospital Building Authority (IC 16-22-6)

HOURS WORKED, RECORD OF 388-6

HOUSING AUTHORITIES (IC 36-7-18)

INCREMENT TAX - FORESTRY LANDS 393-7

INFRACTION JUDGMENT FUND 354-5; 380-15

INNKEEPER’S TAX (IC 6-9)

INSANE (See Psychiatric Persons)

INSPECTION OF MOTOR VEHICLES PRIOR TO REGISTRATION 355-3

INSPECTOR OF WEIGHTS AND MEASURERS (See Weights and Measures) 393-2

INSTITUTION PLACEMENT OF CHILD 360-8 thru 10

INSURANCE
  Group Insurance Law (IC 5-10-8)
  Money Received for Covered Damages 381-5
  Payment by Public Employers of Group Health Insurance Premiums 387-5

INTEREST, ALLOCATION TO GENERAL AND HIGHWAY FUNDS 370-5

INTEREST ON PAYMENTS FOR ROAD WORK (IC 36-1-12-17) 390-11

INTEREST ON PUBLIC CONTRACTS WHEN NOT PAID TIMELY 390-4 and 5

INTEREST RATES ON TAX OVERPAYMENTS AND UNDERPAYMENTS 349-8 and 9

INTERGOVERNMENTAL AGREEMENTS (See Cooperative Undertakings Between Governmental Units)

INTERNAL CONTROLS 388-2

INTERNET SITE OF STATE BOARD OF ACCOUNTS 363-5

INVESTMENTS (See Public Funds)

JAILS
  Prisoners - Employment of (IC 11-12-5-3)

JUDGES OF COURTS (See Courts)
JUDGES, SPECIAL (See Courts)

JUDICIAL REVIEW OF A HABITUAL VIOLATOR OF TRAFFICE LAWS

JURORS (See Courts)

LANDFILL CLOSURE/POST CLOSURE TRUST FUND 372-3

LATE PAYMENT FEES – COUNTY COURTS 394-7

LATE SURRENDER FEES

LAWS
  2005 Digest 352
  2006 Digest 356
  2008 Digest 364
  2009 Digest 369
  2010 Digest 373
  2011 Digest 379
  2012 Digest 383
  2013 Digest 389

LAW ENFORCEMENT ACADEMY BUILDING FUND
  Prosecutor's Fees - Credited to (IC 33-37-5-8)

LAW ENFORCEMENT CONTINUING EDUCATION FEES 393-7, 8 and 9

LAW ENFORCEMENT TRAINING PROGRAM
  Appropriation by County of Travel Expense (IC 10-11-6-1)

LEASE PURCHASE AGREEMENTS 357-8 and 9
  360-14 and 15

LEAVE OF ABSENCE
  Indiana National Guard or Reserves 363-4 and 5;
  393-10 and 11

LEAVE POLICIES - ELECTED OFFICIALS 360-7; 367-6

LEGAL ADVERTISING
  General 381-3, 4 and 5
  Newspapers, Qualifications of 350-4; 372-8 and 9

  Rates 349; 354-3; 358-3;
  360-3; 366-3; 371-3; 376-3; 381-3;
  391-13; 394-11

LEVEY EXCESS FUND 382-9 and 10
### INDEX TO THE COUNTY BULLETIN - Page 13

**LICENCES**
- Bail Agents and Recovery Agents Licenses 367-7
- Hunting, Trapping, and Fishing 363-4
- Liquor License - Transfers and Renewals 390-3 and 4
- Transient Merchant IC 25-37
- Veteran's Exemption IC 25-25

**LICENSE PLATES**
- Governmental Owned Vehicles (IC 9-18-3-1)

**LIMITED CRIMINAL HISTORY FEE**

**LOANS BETWEEN FUNDS (IC 36-1-8-4)** 382-3 and 4

**LOCAL ROAD AND STREET ACCOUNT – APPROVED USES OF DISTRIBUTIONS** 380-16 and 17

**LUCRATIVE OFFICES**
- Attorney General Opinions 385-8
- Holding of Two Lucrative Offices Prohibited 391-4

**MANDATE OF FUNDS** 350-3; 382-10 and 11; 384-7 and 8

**MEALS FOR PRISONERS – SHERIFFS** 354-23
- Rates (IC 36-8-10-7)

**MEMBERSHIP DUES** 357-12

**MEMORIAL DAY EXPENSE (IC 10-18-8)**

**MENTAL HEALTH AND RETARDATION CENTERS**
- Community Mental Health Center (IC 12-29-2)
- Mental Retardation Center and other Developmental Disabilities Centers (IC 12-29)

**MENTAL PATIENTS (See Psychiatric Persons)**

**MILEAGE OF COUNTY OFFICERS (See County Officers)**
- Claim 370-3; 392-3
- Rates 345-4; 347-6
- 354-3; 370-2
- 381-3; 391-3
- 393-6

**MILITARY FINES (See Court Martial Fines)** 392-3

**MINERAL RIGHTS** 381-9

**MOBILE HOMES (See Taxation)**

**MONIES FOUND ON DECEASED PERSONS**

**MONTHLY REPORTS OF COUNTY TREASURER AND CLERK OF THE CIRCUIT COURT** 358-5

**MORTGAGE RELEASES (See Recorder)**
INDEX TO THE COUNTY BULLETIN - Page 14

MOTOR VEHICLES
- Inspection Prior to Registration 355-3
- Overweight Vehicles (IC 9-20-18-12) 372-9, 10 and 11
- Penalties Collected for Failure to Timely Register 378-2, 3 and 4;
- Allocation of 381-8
- MOTOR VEHICLE EXCISE TAX (IC 6-6-5) 384-10 thru 27
- NEW HIRES 360-8

NEWSPAPERS (See Legal Advertising)

NONGOVERNMENTAL ORGANIZATIONS
- Expenses of 363-3

NUISANCE PROPERTIES – LIENS
- 390-8 and 9

OFFICIAL BONDS
- General Provisions 380-11
- Township Trustee (IC 5-4-1)

OPEN DOOR LAW (IC 5-14-1.5)

OPTICAL IMAGED CHECKS
- 362-6

OUTSTANDING WARRANTS (See Warrants)

PARK AND RECREATION LAW (IC 36-10-3)
- Nonreverting Capital and Operating Fund 384-4 and 5

PARTIAL PAYMENTS OF CRIMINAL COURT COSTS AND FEES 360-13 and 14

PAYMENT OF EMPLOYEES DURING ABSENCE
- Due to Compensable Injury 360-10

PAYMENT OF PUBLICATION OF PUBLIC NOTICES - PENALTY FOR VIOLATION
- 357-5

PAYMENT TO BANK OF COMPENSATION DUE EMPLOYEES 387-4 and 5

PAYROLLS (See Salaries and Wages)

PER DIEM TO MEMBERS OF AREA PLAN COMMISSION AND BOARDS
- OF ZONING APPEALS 357-9 and 10

PERSONAL EXPENDITURES PROHIBITED 367-5

PETITION
- Petition for a Public Question 363-6
- Petition/Remonstrance vs Petition for a Public Question 367-8

PETTY CASH AND CHANGE FUNDS (IC 36-1-8-2 and 3)
- 384-6
INDEX TO THE COUNTY BULLETIN - Page 15

PLANNING AND ZONING
  Area Planning Departments (IC 36-7-4)

PLATS
  Maintaining 357-4 and 5
  Recording of 363-2

POLITICAL AND PERSONAL EXPENDITURES PROHIBITED

POWERS OF ATTORNEY 381-5

PRECIOUS METAL DEALER REGISTRATION 392-8

PRESCRIBED FORMS – SPREADSHEET UTILIZATION TO GENERATE EXACT REPLICAS 385-8

PRISONERS
  Expense of Trial of Inmates of State Penal Institutions -
    Paid by State (IC 33-37-2-4)

PROBATION OFFICERS
  Salaries (IC 31-31-5-2)
  State Aid for Probation Services (IC 11-13-2)

PROBATION SERVICES FUND
  Administrative Fee on Collections of Probation User's Fees 350-8; 382-6 and 8
  Adult Supplemental 382-6, 7 and 8
  Juvenile Supplemental 382-5 and 6

PROCUREMENT CARDS 394-8

PROCUREMENT OF SERVICES - ARCHITECTS, ENGINEERS, AND LAND SURVEYORS 354-3

PROPERTY, COUNTY (See County Owned Property)

PROSECUTING ATTORNEY
  Bad Check Accounts 354-10
  Claims and Allowances 354-9
  Conferences Called by Attorney General, Expense
    for Attending 367-4
  Counties - Membership Dues 354-9 and 10
  Deferral Program 381-6
  Deputies - Salaries - Budget (IC 33-39-6-2) 354-8; 367-3 and 4

  Disciplinary Fees 357-12
  Disclosure Statement 354-9
  Disposal of Property 354-9
  Investigators (IC 33-39-4-1) 354-8
  Number of Employees and Salaries 354-8
  Office Space 354-8
  Pretrial Diversion Program 354-10 and 11
  Public Employees Retirement - Inclusion (IC 5-10.3-7-1)
  Purchases 354-9
  Salaries (IC 33-39-6-5) 345-3
  Schools and Conferences - Expense Attending
  Special Prosecutors 367-3; 382-8 and 9
  392-2
INDEX TO THE COUNTY BULLETIN - Page 16

PSYCHIATRIC PERSONS

Clothing Furnished by State Hospitals
(IC 12-24-6)

PUBLIC ACCESS COUNSELOR'S DECISIONS

371-6

PUBLIC FUNDS

Approved Depositories
Board of Finance, Members, Organization, Dates (IC 5-13-7)
Contracts With Banks or Trust Companies for Services (IC 28-1-24)
Daily Deposits Required
Deposit of
Investment Cash Management System
Investments (IC 5-13-1)
Investments in Repurchase Agreements
Money Market Mutual Funds
Safekeeping Receipts
Temporary Loans
Tax Anticipation Warrants or Notes
(Temporary Advancements Between Funds (IC 36-1-8-4)

PUBLIC HEALTH NURSING ASSOCIATIONS - AID TO (IC 16-1-5.5)

PUBLIC NATURE OF RECORDS

363-4; 375-3;
387-3

PUBLIC NOTICE ADVERTISING

354-4 and 5; 368-2

PUBLIC OFFICIALS

Meetings Called by State Board of Accounts (IC 5-11-14-1)

PUBLIC RECORDS (See Commission on Public Records)

PUBLIC WORKS CONTRACTS (Also See Purchases) (IC 36-1-12)

Emergencies
Gross Income Tax - Out-of-State Contractors (IC 6-2.1-6-1)
Interest for Late Payments
Projects Less Than $100,000
Projects Over $100,000 - Bond of Contractor
Projects Over $100,000 - Performance Bonds
Report of Construction and Service Contracts
Retainage
Use of Own Work Force
Under $150,000
Wage Scale Provisions

PURCHASES (Also See Highway Purchases, Printing Contracts and Public Works Contracts)

Advertising
Bids and Contracts - General Provisions of Law (IC 36-1-9)
Cancellation or Rejection of Bids
Computer Hardware and Software
INDEX TO THE COUNTY BULLETIN - Page 17

PURCHASES (Also See Highway Purchases, Printing
Contracts and Public Works Contracts) (Continued)

- Contracts Renewal: 370-6
- Department of Correction – Purchases from (IC 5-22-11): 384-6 and 7
- Emergencies: 368-3
- Intergovernmental Cooperative Purchasing (IC 36-1-7): 390-5
- Petroleum Products: 393-9

PURDUE ROAD SCHOOL
- Commissioners’ Attending - Expenses Allowed
  (IC 8-17-7-7): 382-2 and 3
- Highway Engineer and Highway Supervisor (IC 8-17-3-10)
- Surveyor (IC 36-9-8-2)

RAILROAD CROSSINGS
- Collection of Costs of Maintenance (IC 8-6-12-1)

RAINY DAY FUND: 380-20 and 21; 390-10 and 11

REAL ESTATE, COUNTY (See County Owned Property)

REASSESSMENT FUND, INVESTMENT OF: 384-7; 388-6

RECORD OF HOURS WORKED: 368-2; 392-7; 393-15

RECORDER
- Exempt Documents for Fees: 378-5
- Expunging of Records
- Mileage (See County Officers)
- Mortgage Fee: 347-8
- Nonconforming Fee: 359-6
- Questions from 2004 Annual Conference: 348-11 thru 15
- Questions from 2005 Annual Conference: 353-12 and 13
- Questions from 2006 Annual Conference: 355-7 thru 9
- Questions from 2007 Annual Conference: 361-1 and 2
- Questions from 2008 Annual Conference: 366-10 thru 13
- Questions from 2009 Annual Conference: 368-8 thru 10
- Questions from 2010 Annual Conference: 374-18 thru 22
- Questions from 2011 Annual Conference: 378-6 thru 8
- Questions from 2012 Annual Conference: 384-27 thru 31
- Questions from 2013 Annual Conference: 388-10 thru 13
- Recording Copies: 385-2
- Salaries (See Salaries and Wages)
- Records Perpetuation Fund: 354-13
- Redacting of Social Security Numbers: 355-6
- Training: 370-2

RECORDS (See Forms and Records)

RECORDS COMMISSION (See Commission on Public Records)

REFUSE DISPOSAL (IC 36-9-30)

REGISTRATION OF VOTERS (See Elections)
INDEX TO THE COUNTY BULLETIN - Page 18

REMOTE DEPOSITS 386-3

REPORTS OF NAMES AND COMPENSATION OF OFFICERS AND EMPLOYEES 381-3; 394-3

RESPONSIBILITY FOR ESTABLISHING VACATION, SICK LEAVE, PAID HOLIDAYS, AND OTHER SIMILAR BENEFITS

RETURN OF FUGITIVES (See Fugitives, Return of)

RIGHT-OF-WAY GRANTS
Assessment of Property (IC 6-1.1-4-14)

SAFETY BELT VIOLATIONS
Child Restraint System Penalties 351-3
Seatbelt Violations 360-10 and 11; 385-10

SALARIES AND WAGES
Assignment of Wages (IC 22-2-6)
County Officers, Deputies, Employees
Changes - After Being Fixed 358-5
Ordinance Fixing - Separate Ordinance Required (IC 36-2-5-3) 370-4
Not Payable in Advance 363-4
Manner of Payment 363-3
Record of Hours Worked 353-3; 368-2
Township Officers and Employees (IC 36-6-6-10)

SALES DISCLOSURE FEE AND FUND 388-3

SALES TAX - EXEMPTIONS 357-3

SANITARY LANDFILL (IC 36-9-30)
Township - No Authority to Provide

SCHOOL BUS TURNAROUNDS 377-3

SCHOOL FUNDS
Investment of (See Public Funds) 393-3
County Borrowing

SETTLEMENTS (See Taxation)

SEWER CHARGES, COLLECTION OF DELINQUENT
Penalties After Certification 360-5
Sewer Liens Paid to Counties 354-5

SEWER LIENS – RECORDING AND CERTIFYING 390-5 and 6
INDEX TO THE COUNTY BULLETIN - Page 19

SHERIFF

Accident Report Fund 377-7
Buy Money 377-7
Cars Furnished by County (IC 36-2-13-10)
Criminal History Information 350-5
Employment of Inmates of County Jail (IC 11-12-5-3)
Extradition of Prisoners 377-6
Federal Reimbursements for Housing Federal Prisoners 377-8
Handgun Licenses 358-6; 377-5 and 6
Inmate Trust Fund 377-3 and 4;
384-3; 387-2 and 3
Jail Commissary Fund 367-9; 372-13;
377-4 and 5; 384-3
Jail Commissary Fund, Copy of Ledger to
County Council 378-5
Matrons - County Jail (IC 36-8-10-5)
Meals for Prisoners (IC 36-8-10-7)
All allowances 350-9; 354-23;
359-13; 367-9;
372-13; 377-9;
382-14; 387-6
393-12
Medical Care for Inmates 362-7; 393-14, 15
Merit Boards (IC 36-8-10-3)
Mileage - Except Return of Fugitives (See County Officers)
Pension Plan (IC 36-8-10-12)
Returning Prisoners - Allowance for (IC 35-33-14-3)
Salaries (See Salaries and Wages)
Salary Contracts 388-5
Service of Process Fees 355-5
Social Security Incentive Payments to Counties 363-5; 377-8
Telephone Fees 377-7
Uniforms Furnished by County (IC 36-8-10-4)
Vehicle Inspection Fund 377-3

SICK LEAVE

Law (IC 5-10-6-1)

SINGLE AUDIT (A-133) 357-4

SMALL CLAIMS CASES – TRAIL BY JURY 367-5

SMALL CLAIMS PROCEEDINGS - APPEARANCE BY LEGAL
COUNSEL FOR CORPORATIONS (Small Claims Rule 8) 362-3

SOCIAL SECURITY

Rate 2006 354-3
Rate 2007 358-2
Rate 2008 360-3
Rate 2009 366-2
SOCIAL SECURITY (Continued)
  Rate 2010  371-2
  Rate 2011  376-2
  Rate 2012  381-2
  Rate 2013  386-2
  Rate 2014  391-2
  Rate 2015  394-2

SOIL AND WATER CONSERVATION DISTRICTS
  Employees  384-7
  Expenses  385-3

SOLID WASTE DISPOSAL (IC 36-9-30)
  Solid Waste Management Districts  374-2 and 3
  State Solid Waste Management Fees  375-5 and 6
  Solid Waste Collection and Disposal  354-4

SPECIAL JUDGES (See Courts)

SPECIAL PROSECUTOR  382-8 and 9

STATE EMPLOYEES
  Garnishments of Wages to Pay Child Support and Small Claims Judgments  359-3

STATE BOARD OF ACCOUNTS INTERNET ADDRESSES

STATE DEPARTMENT OF CORRECTIONS HOUSING REIMBURSEMENTS  360-5

STATE GAMING FUND – REVENUE SHARING  390-11

STATE GRANTS  360-8

STATE OWNED LAND
  Removal of Taxes (IC 6-1.1-36-7)

STATEMENT OF WAGES AND COMPENSATION - PUBLICATION  358-3; 360-3
  366-3; 371-3
  371-3; 376-3
  381-2; 391-3;
  394-2;

STATEMENT OF RECEIPTS AND DISBURSEMENTS - PUBLICATION  358-3

SUPERINTENDENT OF SCHOOLS
  Election (IC 20-23-2-1)

SURETY BONDS

SURPLUS TAX (See Taxation)

SURVEYOR
  Compensation  393-4 and 5; 388-6
  Corner Perpetuation Fund  388-5
  Mileage (See County Officers)

TAX ADJUSTMENT BOARD
  Appointment of Members (IC 6-1.1-29-1 and 2)  350-3 and 4
  Family and Children Fund Rate (IC 6-1.1-18-3)
INDEX TO THE COUNTY BULLETIN - Page 21

TAXATION

Appeals on Assessments, Handling
Assessments
  Property Affected by Disaster (IC 6-1.1-4-11)
  Registration Notice Failure to File [IC 6-1.1-5-15(g)]
  Rehabilitated Property (IC 6-1.1-12-18 to IC 6-1.1-12-25)
Weed Cutting
Cancellation of Taxes (IC 6-1.1-36-7)
Certificate of Error (IC 6-1.1-15-12)
Certificate of Payment - Issuance of License (IC 25-1-1-1)
Collecting Agents - Banks (IC 36-2-10-19)
Computer Accounting System - Approval of (IC 5-11-12-1)
Death and Mortgage Release Lists (IC 16-37-3-9)
  (IC 36-2-11-24)
Delinquent Tax
  Governmental Officers and Employees
    (IC 6-1.1-22-14 to 6-1.1-22-17)
  Include on Current Tax Statement (IC 6-1.1-22-8)
  Public Utilities
  Tax Judgments - Calculation of Interest Rates
    366-3;
    394-3
Tax Judgments - Collection by Treasurer
  359-6
Dog Tax (See Dog Tax)
Duplicates
  Delivery to Treasurer by March 1 (IC 6-1.1-22-3)
Economic Development Income Tax
  352-8 and 5
Excise Tax Accounting
  392-8 and 9;
  393-11 thru 13
Levies and Rates
  Notice by County Auditor to Governmental Units
  Tax Adjustment Board (See Tax Adjustment Board)
  See Also Cumulative Funds
  Liability Under Twenty-Five Dollars ($25.00)
  Minimum Tax Bills
  Mobile Homes (IC 6-1.1-7-1)
  Period for Payment of Taxes (IC 6-1.1-7-7 and IC 6-1.1-22-9)
Postponement to Next Day Where Last Collection or Return Date Falls on Saturday, Sunday or Holiday
  (IC 6-1.1-37-10)
Professional Appraisers (IC 6-1.1-4-17 to IC 6-1.1-4-20)
Property Acquired by School Corporation
Property Tax Replacement Credit and CVET Distributions
Real Estate Transfers (IC 6-1.1-5-4)
Reassessment Fund (IC 6-1.1-4-27.5 and IC 6-1.1-4-28.5)
Refunds of Tax
  Erroneous Tax - Basis - Claim Form
  Interest on Refunds (IC 6-1.1-26-5)
Returns - Failure to File - Penalties (IC 6-1.1-37-7 and IC 6-1.1-37-9)
Settlements
  Advance - Limit on - Procedure
  Certification of Collections by Treasurer
    (IC 6-1.1-27-2)
  Fall Taxes Collected Before May 10
    353-8
    360-4
INDEX TO THE COUNTY BULLETIN - Page 22

TAXATION - (Continued)

  Sewer Charges - Collection of Delinquent Assessments
  Statements - Mailing by Treasurer (IC 6-1.1-22-8)
  State Owned Lands - Cancellation of Tax (IC 6-1.1-36-7)
  Surplus Tax Fund 359-3; 367-5

  Transfers (See Transfer Books)

  Statements - Mailing by Treasurer (IC 6-1.1-22-8)

  State Owned Lands - Cancellation of Tax (IC 6-1.1-36-7)

  Surplus Tax Fund 359-3; 367-5

  and 6; 391-5

TAX INCREMENT FINANCING - STATE BOARD OF ACCOUNTS PROGRAM 355-4

TAX SALES

  Auditor's Bid for County
    Sale of Property Acquired (See County Owned Property)
  Auditor's Duties Prior to Sale 353-3
  Erroneous Sale - Refunds 353-4
  Failure to Pay Bid 353-4
  General Article 374-9 thru 16
  Invalid Tax Sale - Refund of Purchase Money 360-12
  Minimum Sales Price 370-6
  Partial Payments 353-3; 393-15
  Record of Tax Sales (IC 6-1.1-24-1) 393-6 and 7
  Redemption - Period and Amounts Payable
    (IC 6-1.1-25-1 and IC 6-1.1-25-2)
  Tax Sale Surplus Fund 357-5

TEMPORARY LOANS

  Law (IC 36-2-6-18)
  Loans (Advances) Between Funds (IC 36-1-8-4) 360-7 and 8

TITLE IV-D INCENTIVE PAYMENTS 387-4

TORNADO/FLOOD DISASTER RELIEF FUNDS - ACCOUNTING PROCEDURES 374-3

TOWNSHIP TRUSTEE

  Salaries (IC 36-6-6-10)

TRANSFER BOOKS

  Transfer of Property - Tax Identification
    Numbers (IC 36-2-9-18)

TRANSIENT MERCHANTS LICENSE 357-5 thru 8

TRAVEL EXPENSE

  Mileage Claims 354-12 and 13
  Reimbursements 393-10
    350-8; 354-11
  State Called Meetings 382-3

TREASURER

  Mileage (See County Officers)
  Monthly Report 358-5
INDEX TO THE COUNTY BULLETIN - Page 23

TREASURER (Continued)
Depository's Certificate of Balances – Monthly Financial Reports (IC 36-2-10-16)
Questions from 2005 Annual Conference 353-25
Questions from 2006 Annual Conference 357-13 thru 17
Questions from 2007 Annual Conference 361-2 thru 4
Questions from 2008 Annual Conference 368-3 thru 5
Questions from 2009 Annual Conference 370-17 thru 20
Questions from 2010 Annual Conference 375-9 thru 11
Questions from 2011 Annual Conference 380-36 thru 38
Questions from 2012 Annual Conference 385-12 thru 15
Questions from 2013 Annual Conference 390-13 thru 20
Questions from 2014 Annual Conference 393-39 thru 40
Salaries (See Salaries and Wages)

TUBERCULOSIS PATIENTS
Care and Treatment - Payment of Cost (IC 16-24-1-21 thru 23)

UNCLAIMED PROPERTY 360-6

UNCLAIMED WARRANTS (See Warrants)

UNDERGROUND STORAGE TANK (IC 13-23-2)

UNIFORM ELECTRONIC TRANSACTIONS ACT 374-8 and 9

UNITED STATES SECURITIES
Investments in (See Public Funds)

VACATION AND SICK LEAVE OF EMPLOYEES
Breaks for Expressing Milk 378-4
Law (IC 5-10-6-1)
Written Policy 378-4

VEHICLE INSPECTION FUND 372-5

VETERANS' BURIAL ALLOWANCES (See Burial of Members of Armed Forces)

VETERANS' FREE PEDDLER'S LICENSES
Free (IC 25-25-2-1)

VOTING PLACES, NOTICE OF 372-5

WARRANTS
Outstanding - Cancellation of 350-5; 376-3 and 4
394-5
Returned Checks 353-6 thru 8;
367-5

WEED CUTTING 390-7 and 8

WEIGHTS AND MEASURES INSPECTOR
Compensation and Expense (IC 24-6-3-3) 348-3

YEAR END DUTIES 386-3 and 4