

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 34 -2012

**AN ORDINANCE ESTABLISHING A NON-REVERTING
FUND FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS
RELATED TO THE PROBATION USER FEES COLLECTED BY
THE CONSOLIDATED CLARK COUNTY PROBATION DEPARTMENT**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County government pursuant to the provisions of IC 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County Government pursuant to the provisions of IC 36-1-2-9; and,

WHEREAS, pursuant to the Home Rule provisions of IC 36-1-3, *et seq.*, this Board has authority to exercise all the powers needed for the effective operation of government as to local affairs, subject only to the limitations contained within such statutes; and,

WHEREAS, this Board did previously identify the need to establish separate non-reverting funds into which funds can be receipted and costs and distributions disbursed related to the collection of probation user fees by the probation departments of each of the four (4) Clark County Circuit and/or Superior Courts; and,

WHEREAS, as of January 1, 2012, the Clark County Courts were unified as Circuit Courts, with the former Clark Circuit Court becoming the Clark Circuit Court No. 1, and the Clark Superior Courts Nos. 1, 2, and 3 becoming the Clark Circuit Courts Nos. 4, 2, and 3, respectively; and,

WHEREAS, prior to January 1, 2012, each of the above Courts maintained a separate probation department, and each such department was designated a separate and distinct probation

user fee non-reverting fund, as follows: Circuit 1 Probation PUF 2523-049; Circuit 2 Probation PUF 2525-035; Circuit 3 Probation PUF 2526-038; Circuit 4 Probation Adult PUF 2524-043; and,

WHEREAS, the consolidation of the probation departments into a unified Clark County Probation Department was effected on January 1, 2012, and it being in the interest of efficient administration of that the consolidated probation department submit a single consolidated budget, this Board has identified the need to establish a non-reverting fund into which funds can be received, and disbursement can be made to defray appropriate costs, from the probation user fees collected by the Clark County Consolidated Probation Department.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. Establishment of Consolidated Probation User Fees Non-Reverting Fund. The *Consolidated Probation User Fees Non-reverting Fund* (the "Fund") is hereby established as a non-reverting fund to be administered and maintained by the Clark County Auditor. The Fund shall exist for such time as the Clark County Consolidated Probation Department continues to collect probation user fees. In the event that the Clark County Consolidated Probation Department should cease to collect probation user fees, the Fund shall exist until such time as all funds deposited from the probation user fees collected by the Clark County Consolidated Probation Department are disbursed or distributed in accordance with applicable laws, at which time the fund shall automatically terminate.

2. Management and Accounting for the Fund. The Clark County Auditor is hereby directed to maintain and manage accurate accounting information regarding the receipts, expenditures, and balances of the Fund.

3. Deposits into the Fund. All probation user fees collected by the Clark County Consolidated Probation Department shall be deposited into the Fund. In addition, all fees remaining in the funds Circuit 1 Probation PUF 2523-049; Circuit 2 Probation PUF 2525-035; Circuit 3 Probation PUF 2526-038; Circuit 4 Probation Adult PUF 2524-043 on January 1, 2013 shall be transferred and/or deposited in the Fund, whereupon such funds shall be closed.

4. Purposes of Permitted Expenditures from the Fund. Expenditures from the Funds shall be made for the purpose of funding the Clark County Probation Department to supplement adult probation services provided by the Clark County Circuit Court, and for the purpose of supplementing the salaries of probation officers in accordance with the schedule adopted by the Clark County Council under IC 36-2-16.5. Such funds shall be subject to appropriation by the Clark County Council and shall be expended at the direction of the Chief Probation Officer of the Clark County Consolidated Probation Department, further subject to prior approval of the Circuit Court for Clark County.

5. Effective Date of Ordinance. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

[Signature Page Follows]

So Ordained this 27th day of ~~August~~ ^{September}, 2012.

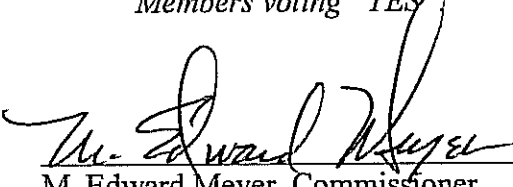
Members voting "NO":

M. Edward Meyer, Commissioner

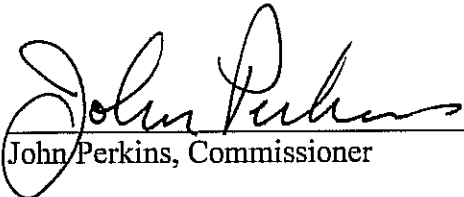
John Perkins, Commissioner

Les Young, Commissioner

Members voting "YES":



M. Edward Meyer, Commissioner

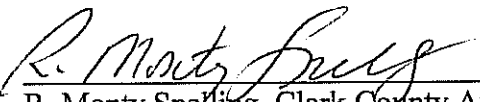


John Perkins, Commissioner



Les Young, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor