

WABASH COUNTY RESOLUTION 2002 - 2

A Resolution Dissolving the Wabash County Revolving Loan Fund

WHEREAS the Wabash County Council is the fiscal governing body of Wabash County, State of Indiana, and

WHEREAS the Wabash County Revolving Loan Fund was established under IC: 36-1-3-1 through IC: 36-1-3-9, and

WHEREAS the loan has been repaid in full and the need for this fund no longer exists, now

THEREFORE the Wabash County Council hereby declares the Revolving Loan Fund established January 11, 1988, dissolved, and the account balance of \$126,568.56 is hereby transferred to the County General Fund of Wabash County, to be used for the payment of wages and benefits.

This Resolution is approved and signed by the Wabash County Council this 25th day of MARCH, 2002.

AYE

NAY

Jerry D. Lee

Ted A. Little

Paul A. Soto

Gene Schenk

Deane Bridgman

Mark Hoff

ATTEST: Carol Stefanatos
Carol Stefanatos, Auditor

THE COUNTY BULLETIN
and Uniform Compliance Guidelines

Vol.No.320, Page 11

October 1998

APPROPRIATION REFUNDS

IC 6-1.1-18-9 states "Notwithstanding the other provisions of this chapter, the proper officer or officers of a political subdivision may:

- (1) make an appropriation with respect to a contract for the discovery of omitted property if the contract provides the payment for the services performed is to be made from taxes or penalties collected on the discovered property;
- (2) reappropriate money recovered from erroneous or excessive disbursements if the error and recovery are made within the current budget year; or
- (3) refund, without appropriation, money erroneously received."

DORMANT FUND BALANCES TRANSFERS AUTHORIZED

IC 36-1-8-5 concerning ~~transfers of unused and unencumbered funds~~ states in part (a) "This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision." (b) "Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise: ... (3) Funds of a township for redemption of poor relief obligations, to the poor relief fund of the township. (4) Funds of any other political subdivision, to the general fund of the political subdivision..." (c) "Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township."

We are of the audit position the transfer may occur at any public meeting.

PETITION AND REMONSTRANCE PROCESS ON PROJECTS USING PROPERTY TAXES TO PAY DEBT SERVICE OR LEASE PAYMENTS

IC 6-1.1-20-3.1 states "...a petition requesting the application of a petition and remonstrance process may be filed by the lesser of: (A) two hundred fifty (250) owners of real property within the political subdivision; or (B) ten percent (10%) of the owners of real property within the political subdivision. Each petition must be verified under oath by a least one (1) qualified petitioner in a manner prescribed by the state board of accounts before petition is filed with the county auditor."

(b) If the fiscal body of a political subdivision determines that an emergency exists that requires an extension of the prescribed period of a transfer under this section, the prescribed period may be extended for not more than six (6) months beyond the budget year of the year in which the transfer occurs if the fiscal body does the following:

(1) Passes an ordinance or a resolution that contains the following:

(A) A statement that the fiscal body has determined that an emergency exists.

(B) A brief description of the grounds for the emergency.

(C) The date the loan will be repaid that is not more than six (6) months beyond the budget year in which the transfer occurs.

(2) Immediately forwards the ordinance or resolution to the state board of accounts and the state board of tax commissioners.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.57-1991, SEC.3; P.L.10-1997, SEC.24.

36-1-8-5 Funds raised by general or special tax levy; disposition of unused balance

Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund of the county.

(2) Funds of a municipality, to the general fund of the municipality.

(3) Funds of a township for redemption of poor relief obligations, to the poor relief fund of the township.

(4) Funds of any other political subdivision, to the general fund of the political subdivision; but if the political subdivision is dissolved or does not have a general fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.
As added by Acts 1980, P.L.211, SEC.1.

36-1-8-6 Reversion of unused appropriation; funds received from state or the United States

Sec. 6. (a) The unused and unencumbered balance of an appropriation made by a unit for any purpose reverts, at the end of the unit's fiscal year, to the fund from which the appropriation was made, unless a statute provides otherwise.

(b) Any amount necessary to pay a bill, judgment, or valid claim concerning any balance that reverts under subsection (a) shall be taken from the fund to which it reverted to pay the bill, judgment, or valid claim.

(c) Notwithstanding subsection (a), if an appropriation is made by a unit to establish or