

ORIGINAL

ORDINANCE NO. 03-19

AN ORDINANCE AUTHORIZING THE TEMPORARY
TRANSFER OF FUNDS BETWEEN BUDGET ACCOUNTS

WHEREAS, the Common Council of the City of Lebanon, Indiana, has determined that an emergency does exist which requires an extension of prescribed period of transfer pursuant to I.C. 36-1-8-4 for a period not to exceed six (6) months beyond the end of the budget year of 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, AS FOLLOWS:

1. This fiscal body determines an emergency exists in that the City of Lebanon has been unable to receive tax draws due to the fact that the property tax assessment and resultant tax bills were delayed in the year 2003;

2. That because of the lack of tax draws, it has been necessary to supplement the budget of the Lebanon Parks Board through other funds;

3. That the purpose of this Ordinance is to extend the reconciliation period for the Parks Board funds to and including a date after December 31, 2003;

4. That all funds shall be reconciled and balanced with the appropriate pay back and transferred funds on or before June 30, 2004;

5. The Lebanon Clerk Treasurer is directed to immediately forward a copy of this Ordinance to the State Board of Accounts and the Department of Local Government Finance as required by law;

6. This Ordinance shall take effect on and after its passage and any publication as required by law.

All of which is considered and passed by the Common Council

of the City of Lebanon this 8th day of December, 2003.

James H. Acton
James H. Acton, Mayor

COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

Harold E. "Huck" Lewis

John W. Lasley
John W. Lasley

Carl J. Rady
Carl J. Rady

Andrea S. Hester
Andrea Hester

James K. Urban
James K. Urban

Kay Geisler
Kay Geisler

Emmadell Sturgis
Emmadell Sturgis

Attest: *Elaine Kinsler*
Elaine Kinsler
Clerk/Treasurer



CITY OF LEBANON

12/05/03
10:21:40S T A T E M E N T O F F U N D SBD537
PAGE 1

	BEG YEAR CASH BALANCE	MONTH-TO-DATE REVENUE	MONTH-TO-DATE EXPENSES	YEAR-TO-DATE REVENUE	YEAR-TO-DATE EXPENSES	CURRENT BALANCE
1 GENERAL	1,380,416.97	246,261.26	270,611.60	4,465,506.79	4,968,959.11	868,473.65
10 CUM CAP DEVELOPMENT	433,276.27		10,291.39		421,278.00	10,961.27
11 CUM CAP IMPROVEMENT	108,886.86			23,988.35		132,875.21
12 PARKS DEPT	178,273.97	55.00	20,700.69	29,048.75	385,356.47	180,191.75-
17 SANITATION DEPT	169,470.25	34,824.18	39,255.94	341,560.96	441,224.39	69,217.82
18 MVH DEPT	217,490.56	34,345.84	56,232.02	395,404.32	404,077.79	208,390.09
19 LOCAL/STREET & ROAD	119,518.90	6,576.29	9,414.51	64,180.70	98,412.30	85,287.30
22 POLICE DEPT PENSION	214,912.50		12,413.87	85,845.18	136,552.57	163,733.11
23 FIRE DEPT PENSION	153,739.27		17,707.67	104,653.54	193,708.39	64,263.42
30 COIT CAPITAL DEVELOPMENT FUND	890.00			3,462,541.37	3,400,000.00	63,431.37
214 COIT CATCHUP INVSMT-KEY BANK	1,065,789.18			11,028.27		1,076,817.45
215 COIT "CATCHUP INVSTMT"-UN FED				3,400,000.00	1,700,000.00	1,700,000.00

Attorneys at Law

GIDDINGS, WHITSITT & McCLURE, P.C.

121 North Meridian Street
P.O. Box 663
Lebanon, Indiana 46052

Lawrence D. Giddings
Thomas A. Whitsitt
J. David McClure - Civil & Domestic Mediation
Dennis A. Williams

(765) 482-6632
(317) 687-0390
Fax: (765) 482-9633

November 25, 2003


Harold E. "Huck" Lewis
John W. Lasley
Carl J. Rady
Andrea Hester
James K. Urban
Kay Geisler
Emmadell Sturgis

Dear Councilmember:

Enclosed please find the draft ordinance for providing for an extension of time for repayment of transferred funds.

Thank you for your attention to this matter.

Sincerely,



Lawrence D. Giddings
Attorney for the City of
Lebanon, Indiana

LDG/kjv

Encl.

c.c.: Honorable James Acton, Mayor
Elaine Kinsler, Clerk/Treasurer ✓

Attorneys at Law

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(317) 687-0390
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COPY

November 18, 2003

Harold E. "Huck" Lewis
John W. Lasley
Carl J. Rady
Andrea Hester
James K. Urban
Kay Geisler
Emmadell Sturgis

Re: Temporary Transfer of Funds
Between Budget Accounts

Dear Councilmember:

Earlier this year, we made some temporary transfers of funds between budget accounts in order to meet on-going expenses. I am enclosing I.C. 36-1-8-4 which governs the temporary transfer of funds between budget accounts. Please note that the pay back on monies borrowed from one fund to balance another fund must be made by the end of the current budget year. The budget year will end on December 31st. The exception to this requirement is contained in subsection (b) which requires an extension of the pay back period for not more than six (6) months beyond the budget year if you authorize the same by ordinance or resolution. Elaine has assured me that the funds will be available within six (6) months because we should definitely have our tax draw by that time.

Please read the statute and give me some direction as to whether you wish me to draft an ordinance or do a resolution prior to year-end and we will insure that the State Board of Accounts and the Department of Local Government Finance receives a copy of the same.

Thank you for your attention to this matter.

Sincerely,



Lawrence D. Giddings
Attorney for the City of
Lebanon, Indiana

LDG/kjv

Encl.

c.c.: Honorable James Acton, Mayor
Elaine Kinsler, Clerk/Treasurer

Source: [My Sources](#) > [Indiana](#) > [Statutes & Regulations](#) > [IN - Burns Indiana Statutes Annotated](#)
TOC: [Burns Indiana Statutes Annotated](#) > [/.../](#) > [CHAPTER 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS](#) > [§ 36-1-8-4. Temporary transfer of funds between budget accounts](#)

Burns Ind. Code Ann. § 36-1-8-4

BURNS INDIANA STATUTES ANNOTATED
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*** (STATUTES CURRENT THROUGH 2003 REGULAR SESSION) ***
*** ANNOTATIONS CURRENT THROUGH APRIL 7, 2003 ***

TITLE 36. LOCAL GOVERNMENT
ARTICLE 1. GENERAL PROVISIONS
CHAPTER 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

♦ [GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

Burns Ind. Code Ann. § 36-1-8-4 (2003)

§ 36-1-8-4. Temporary transfer of funds between budget accounts

(a) The fiscal body of a political subdivision may, by ordinance or resolution, permit the transfer of a prescribed amount, for a prescribed period, to a fund in need of money for cash flow purposes from another fund of the political subdivision if all these conditions are met:

(1) It must be necessary to borrow money to enhance the fund that is in need of money for cash flow purposes.

(2) There must be sufficient money on deposit to the credit of the other fund that can be temporarily transferred.

(3) Except as provided in subsection (b), the prescribed period must end during the budget year of the year in which the transfer occurs.

(4) The amount transferred must be returned to the other fund at the end of the prescribed period.

(5) Only revenues derived from the levying and collection of property taxes or special taxes or from operation of the political subdivision may be included in the amount transferred.

(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 department of local government finance.

HISTORY: IC 19-11-2-2, recodified as IC 36-1-8-4 by Acts 1980, P.L. 211, § 1; P.L.57-1991, § 3; P.L.10-1997, § 24; P.L.90-2002, § 460.

NOTES:

COMPILER'S NOTES. According to the 2000 federal census, the township having a population of more than 50,000 but less than 100,000 located in a county having a population of more than 400,000 but less than 700,000 is Hammond in Lake County.

P.L.36-2002, § 1, effective March 14, 2002, provides:

"(a) This SECTION applies to a township having a population of more than fifty thousand (50,000) but less than one hundred thousand (100,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

"(b) Notwithstanding IC 36-1-8-4, a township may, before December 31, 2002, transfer not more than eighty-six thousand three hundred seventeen dollars (\$86,317) from the township's general fund to the township's fire fund. The township is not required to return the money to the general fund.

"(c) With respect to property taxes first due and payable after December 31, 2002, a township may:

"(1) reduce the maximum permissible levy for the township's general fund under IC 6-1.1-18.5 by not more than one hundred ten thousand dollars (\$110,000); and

"(2) increase the maximum permissible levy for the township's fire fund under IC 6-1.1-18.5 by the amount by which the township reduces the maximum permissible levy for the township's general fund under subdivision (1).

"(d) This SECTION expires December 31, 2003."

P.L.170-2002, § 183, effective retroactively to January 1, 2002, provides:

"(a) As used in this SECTION, 'noncode statute' has the meaning set forth in IC 1-1-4-5, as amended by this act.

"(b) Notwithstanding any other bill enacted during the 2002 regular session of the Indiana general assembly, this SECTION applies to each SECTION of each bill enacted during the 2002 regular session of the Indiana general assembly that satisfies all the following:

"(1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.

"(2) The SECTION takes effect before April 1, 2002.

"(3) The SECTION contains a population parameter.

"(c) Notwithstanding IC 1-1-3.5-3, as amended by this act, a population parameter in a SECTION described in subsection (b) refers to the population of the described political subdivisions as tabulated following the 2000 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2001."

AMENDMENTS. The 2002 amendment substituted "department of local government finance" for "state board of tax commissioners" in subsection (b)(2).

EFFECTIVE DATES. P.L.90-2002, § 530, declared an emergency. Approved March 21, 2002.

CROSS REFERENCES. Election and registration fund, transfers from county general fund, IC 3-5-3-4.

Political subdivisions, transfer of funds, IC 6-1.1-18-6.

Sale of bonds, disposition of surplus funds, IC 5-1-13-1, IC 5-1-13-2.

Transfers from abandoned property fund to common school fund, IC 32-9-1.5-34.

Source: [My Sources](#) > [Indiana](#) > [Statutes & Regulations](#) > [IN - Burns Indiana Statutes Annotated](#) 

TOC: [Burns Indiana Statutes Annotated](#) > [/.../](#) > [CHAPTER 8. MISCELLANEOUS ADMINISTRATIVE PROVISIONS](#) > [§ 36-1-8-4. Temporary transfer of funds between budget accounts](#)

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*** TX REPORT ***

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RESULT	OK



J. Elaine Kinsler, IAMC
 Clerk Treasurer
 City of Lebanon
 201 E. Main Street
 Lebanon, Indiana 46052
 PH: 765-482-1218
 Email:

Fax

To: Connie Johnson – Lebanon Reporter	From: Elaine
Fax:	Pages: 3, incl cover
Phone: 482-4650	Date: 12/9/2003
Re: ORD#03-19	CC:

Urgent For Review Please Comment Please Reply Please Recycle

● Comments:

Please find attached copy of Ordinance #03-19, "AN ORDINANCE AUTHORIZING THE TEMPORARY TRANSFER OF FUNDS BETWEEN BUDGET ACCOUNTS". If you would please publish two times: 12/12/03 & 12/19/03.

Thank You,



J. Elaine Kinsler, IAMC
Clerk Treasurer
City of Lebanon

201 E. Main Street
Lebanon, Indiana 46052
PH: 765-482-1218
Email: elaine@lebanon.in.gov

Fax

To: Connie Johnson – Lebanon Reporter From: Elaine

Fax: Pages: 3, incl cover

Phone: 482-4650 Date: 12/9/2003

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Thank You,

*** TX REPORT ***

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From the Office of:
J. Elaine Kinsler, IAMC
Clerk Treasurer
City of Lebanon
201 E. Main Street
Lebanon, In 46052

Memo

To: State Board of Accounts & DLGF

From: Elaine Kinsler, Clerk Treasurer

CC:

Date: 12/9/2003

Re: Ord#03-19 – Temporary Loan between Budget Accounts

As in accordance with I.C. 36-1-8-4, please find attached copy of Ordinance #03-19. At a December 8th, 2003 meeting, Common Council of the City of Lebanon passed this ordinance approving the temporary transfer of funds between budget accounts, for a period not to exceed six months beyond the end of the budget year of 2003. The reason being, the City of Lebanon did not get a tax distribution during 2003. These funds have to be paid back on or before 6/30/04.

If I can be of any further assistance in the this matter, please advise.

Thank you,



From the Office of:
J. Elaine Kinsler, IAMC
Clerk Treasurer
City of Lebanon
201 E. Main Street
Lebanon, In 46052

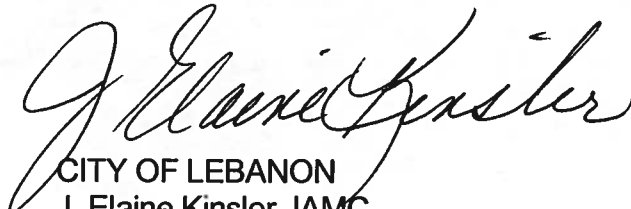
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Thank you,


CITY OF LEBANON
J. Elaine Kinsler, IAMC
Clerk Treasurer

 *** TX REPORT ***

TRANSMISSION OK

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SUB-ADDRESS	
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RESULT	OK



From the Office of:
J. Elaine Kinsler, IAMC
 Clerk Treasurer
 City of Lebanon
 201 E. Main Street
 Lebanon, In 46052

Memo

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To: State Board of Accounts & DLGF

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CC:

Date: 12/9/2003

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Thank you,

J. Elaine Kinsler



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J. Elaine Kinsler, IAMC
Clerk Treasurer
City of Lebanon
201 E. Main Street
Lebanon, In 46052

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Thank you,

CITY OF LEBANON
J. Elaine Kinsler, IAMC
Clerk Treasurer