

## **IC 36-3-6**

### **Chapter 6. Budget Procedures and Compensation of Officers and Employees**

#### **IC 36-3-6-1**

##### **Application of chapter**

Sec. 1. This chapter applies to each consolidated city and its county.

*As added by Acts 1980, P.L.212, SEC.2.*

#### **IC 36-3-6-2**

##### **Compensation of elected officers**

Sec. 2. The city-county legislative body shall, by ordinance, fix the annual compensation of all elected consolidated city and county officers. Their compensation may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.

*As added by Acts 1980, P.L.212, SEC.2. Amended by Acts 1981, P.L.17, SEC.20.*

#### **IC 36-3-6-3**

##### **Compensation of appointed officers, deputies, and employees; exceptions and limitations on appropriations**

Sec. 3. (a) A legislative body shall, by ordinance or resolution, fix the annual compensation of all appointed officers, deputies, and employees under its jurisdiction. This may be done by adopting schedules of compensation. The schedules of compensation may include a provision for salaried employees whose salaries are paid on an annual basis. Salaried employees shall work a regularly scheduled work week, in accordance with the schedule of compensation.

(b) The city-county legislative body has jurisdiction over all appointed officers, deputies, and employees:

- (1) of the consolidated city, except those of special service districts; or
- (2) whose compensation is payable from the county general fund or any other fund from which the county auditor issues warrants for compensation.

A special service district legislative body has jurisdiction over all appointed officers, deputies, and employees of the special service district.

(c) This chapter does not affect the salaries of judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute, but the city-county legislative body may make appropriations to pay them more than the minimums fixed by statute. Beginning July 1, 1995, an appropriation made under this subsection may not exceed five thousand dollars (\$5,000) for each judge or full-time prosecuting attorney in any calendar year.

*As added by Acts 1980, P.L.212, SEC.2. Amended by P.L.44-1986, SEC.2; P.L.16-1986, SEC.78; P.L.279-1995, SEC.22; P.L.280-1995,*

*SEC.24; P.L.2-1996, SEC.291.*

#### **IC 36-3-6-4**

##### **Budget estimates; preparation; verified certificate; courts; submission**

Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

(1) The director of each department of the consolidated city.

(2) Each township assessor (if any), elected county officer, or head of a county agency.

(3) The county clerk, for each court the clerk serves.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate the officer prepares stating that in the officer's opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies.

*As added by Acts 1980, P.L.212, SEC.2. Amended by P.L.196-1984, SEC.2; P.L.227-2005, SEC.31; P.L.146-2008, SEC.704.*

#### **IC 36-3-6-5**

##### **Review and revision of estimates; report and recommendations; determination of amounts**

Sec. 5. (a) The controller shall review and revise the estimates of expenditures submitted under section 4 of this chapter. Then the controller shall prepare for the executive a report of the estimated budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates, along with the controller's recommendations.

(b) The executive shall determine the amounts to be included in the proposed appropriations ordinance by the controller and advise the controller of those amounts.

*As added by Acts 1980, P.L.212, SEC.2. Amended by P.L.227-2005, SEC.32.*

### **IC 36-3-6-6**

#### **Proposed ordinances; appropriations; rate of taxation; submittal**

Sec. 6. (a) The controller shall, with the assistance of the corporation counsel, prepare:

- (1) proposed appropriations ordinances for the city and county and each special service district; and
- (2) proposed ordinances fixing the rate of taxation for the taxes to be levied for all city and county departments, offices, and agencies.

The proposed appropriations ordinances must contain all the amounts necessary for the operation of consolidated government, listed in major classifications.

(b) The controller shall submit the proposed ordinances prepared under subsection (a) along with appropriation detail accounts for each city and county department, office, and agency, to the city clerk not later than the first meeting of the city-county legislative body in August.

*As added by Acts 1980, P.L.212, SEC.2. Amended by Acts 1981, P.L.52, SEC.6; P.L.227-2005, SEC.33.*

### **IC 36-3-6-7**

#### **Proposed ordinances; fixing and reviewing budgets, tax rates, and levies**

Sec. 7. (a) The city-county legislative body and the special service district legislative bodies shall act on ordinances proposed under this chapter in the manner prescribed by IC 6-1.1-17.

(b) A tax levied by the consolidated city for a department or division having territorial jurisdiction over the whole county shall be levied on property in the whole county, and the money received from that tax shall be paid into a fund to be known as the consolidated county fund. A tax levied by the consolidated city for a department or division having territorial jurisdiction only inside the corporate boundaries of the consolidated city shall be levied only on property in the consolidated city. A tax levied for support of a special service district shall be levied only on property in the special service district. A tax or special tax to finance the operations, improvements, or debt service of a special taxing district shall be levied only on property in the special taxing district. A tax to be levied by the county or consolidated city for any other function shall be levied only on property in the territorial jurisdiction affected.

*As added by Acts 1980, P.L.212, SEC.2. Amended by P.L.82-1985, SEC.2.*

### **IC 36-3-6-8**

#### **Additional appropriations**

Sec. 8. After the passage of an appropriations ordinance, a legislative body may, on the recommendation of the controller, as to all city and county matters, make further or additional appropriations, unless their result is to increase a tax levy set by ordinance.

*As added by Acts 1980, P.L.212, SEC.2. Amended by Acts 1981,*

*P.L.11, SEC.160; P.L.227-2005, SEC.34.*

**IC 36-3-6-9**

**Operating and maintenance budgets and tax levies of certain entities; review and modification; adoption; submittal**

Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers operating under IC 36-10.
- (4) A public transportation corporation operating under IC 36-9-4.
- (5) A health and hospital corporation established under IC 16-22-8.
- (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before September 2.

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

- (1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or
- (2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

*As added by Acts 1980, P.L.212, SEC.2. Amended by Acts 1981,*

*P.L.52, SEC.7; P.L.347-1983, SEC.1; P.L.2-1993, SEC.201; P.L.1-2005, SEC.237; P.L.227-2005, SEC.35; P.L.1-2006, SEC.561; P.L.146-2008, SEC.705; P.L.182-2009(ss), SEC.401; P.L.137-2012, SEC.118.*

#### **IC 36-3-6-10**

##### **Allotment of appropriations by controller**

Sec. 10. (a) As used in this section, "appropriation adopted by the county fiscal body" means all appropriations, including any additional or supplemental appropriations, made by the county fiscal body for the calendar year covered by the allotment schedule.

(b) As used in this section, "office, department, or agency" means any office, department, or agency of the consolidated city or the county having a consolidated city.

(c) Each year shall be divided into two (2) semiannual allotment periods, beginning respectively on the first day of January and July. However, in any case where the semiannual allotment period is impracticable, the controller may prescribe a different period suited to the circumstances but not extending beyond the end of any calendar year.

(d) Except as provided in subsection (e), the allotment system and the encumbering of funds apply to appropriations and funds of all kinds, including dedicated funds from which expenditures are made under the authority of any office, department, or agency.

(e) The allotment system does not apply to the following:

(1) Money made available for the purpose of conducting a post-audit of financial transactions of any office, department, or agency.

(2) Appropriations for construction or for the acquisition of real estate for public purposes that are exempted from the allotment system by the executive of the consolidated city.

(f) An appropriation to any office, department, or agency is not available for expenditure until allotted by the controller.

(g) The controller shall prescribe the form of a request for allotment.

(h) Not later than December 1, each office, department, or agency shall submit to the controller a proposed semiannual allotment schedule for the succeeding calendar year. The proposed allotment schedule must reflect the amounts appropriated, by fund and character, by the county fiscal body for the calendar year.

(i) Not later than December 15, the controller shall make a determination as to whether the anticipated revenues for the succeeding calendar year will be adequate to support the appropriations adopted by the county fiscal body for the succeeding calendar year. The controller's determination must take into consideration the need to maintain adequate reserves for the city and county.

(j) If, in the controller's judgment, the anticipated revenues are adequate to support the appropriation adopted by the county fiscal body, the controller shall approve the proposed allotment schedule as

submitted by an office, department, or agency.

(k) If, in the controller's judgment, the anticipated revenues are not adequate to support the appropriation adopted by the county fiscal body, the controller shall revise the proposed allotment schedule as submitted by an office, department, or agency to reflect anticipated revenues.

(l) If, after the controller approves the allotment schedule under subsection (j), the controller determines during the calendar year that the anticipated revenues are not adequate to support the appropriation adopted by the county fiscal body, the controller may revise the proposed allotment schedules as submitted by an office, department, or agency to reflect anticipated revenues.

(m) If, after the controller revises the proposed allotment schedule under subsection (k), the controller determines during the calendar year that the anticipated revenues are adequate to support the appropriation adopted by the county fiscal body, the controller shall revise the proposed allotment schedules up to one hundred percent (100%) of the amount of the appropriation adopted by the county fiscal body for an office, department, or agency.

(n) The controller shall notify every office, department, or agency of the allotments:

(1) at least five (5) days before the beginning of each allotment period; and

(2) not more than five (5) days after the beginning of a revised allotment period under subsection (k) or (l).

The controller shall promptly transmit records of all allotments and modifications to the county auditor and the county fiscal body. If the controller proposes to reduce the allotment schedule in excess of five percent (5%) of the total amount of the appropriation adopted by the county fiscal body, the controller shall submit a fiscal justification to the county fiscal body before the beginning of the revised allotment period.

*As added by P.L.266-2013, SEC.10.*