

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 6-2010

**AN ORDINANCE ESTABLISHING AN  
INSUFFICIENT FUNDS FEE AND ALLOWING  
THE DEPOSIT OF ANY SUCH FEES INTO THE  
CLARK COUNTY TREASURER'S NON-REVERTING FUND**

**WHEREAS**, this Board of Commissioners of Clark County, Indiana (this "Board") is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-1-2-9;

**WHEREAS**, this Board is also the legislative body of Clark County government, pursuant to the provisions of Ind. Code § 36-1-2-9;

**WHEREAS**, the Clark County Treasurer (the "Treasurer") receives money to which the Clark County government is entitled and pays warrants pursuant to the provisions of Ind. Code § 36-2-10 *et seq.*, including the receipt of property tax payments;

**WHEREAS**, due to the incidence of returned drafts for insufficient funds and the administrative burden this places upon the Treasurer's staff, this Board has identified a need to establish an insufficient fund fee;

**WHEREAS**, pursuant to the Home Rule provisions of Ind. Code § 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;

**WHEREAS**, on January 7, 2010, this Board enacted Ordinance No. 1-2010, *An Ordinance Establishing a Tax List Fee and Further Establishing a County Treasurer Non-Reverting Fund for the Deposit of Such Fees, Together with Excess Tax Sale Fees* (the "Ordinance");

WHEREAS, the Ordinance established the *Clark County Treasurer Non-Reverting Fund* (the "Treasurer Fund"), which is administered and maintained by the Clark County Auditor; and

WHEREAS, this Board has identified the need to create an insufficient funds fee for any drafts written payable to the order of Clark County government or any of its subsidiaries for monies to which Clark County government is entitled, but which are returned for insufficient funds; and

WHEREAS, this Board has identified a need to allow the Treasurer to deposit the proceeds of the insufficient funds fees into the Treasurer Fund, in order to maintain the efficient and effective operation of the Treasurer's office.

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

1. Establishment of the Imposition of a Fee for Drafts Returned Due to Insufficient Funds. A fee of thirty dollars (\$30.00) shall be charged by the Treasurer to any person or entity making a draft payable to the order of Clark County government or any of its subdivisions, which draft is returned for insufficient funds, plus any costs charged by the depository bank to the County..
2. Deposits into the Fund. All monies received by the Treasurer from imposition of the Fee shall be deposited into the Treasurer Fund.
3. 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.

So Ordained this 15<sup>th</sup> day of April, 2010.

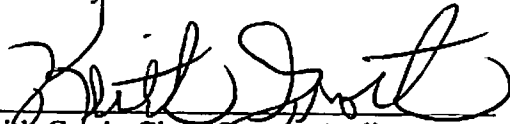
*Members voting "NO":*

\_\_\_\_\_  
M. Edward Meyer, Commissioner

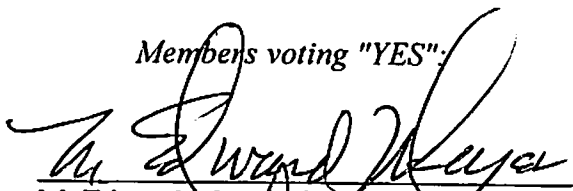
\_\_\_\_\_  
Mike Moore, Commissioner

\_\_\_\_\_  
Les Young, Commissioner

*Attested by:*

  
\_\_\_\_\_  
Keith Groth, Clark County Auditor

*Members voting "YES":*

  
\_\_\_\_\_  
M. Edward Meyer, Commissioner

  
\_\_\_\_\_  
Mike Moore, Commissioner

  
\_\_\_\_\_  
Les Young, Commissioner