

F I L E D

FEB 22 2012

R. Mark Smith  
Auditor, Clark County

STATE OF INDIANA  
BEFORE THE BOARD OF THE CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 4 - 2012

**AN ORDINANCE ESTABLISHING A NON-REVERTING FUND FOR THE  
BENEFIT OF THE CLARK COUNTY PROSECUTING ATTORNEY,  
FOR FUNDS FROM THE MISDEMEANOR DIVERSION PROGRAM**

**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 36-1-2-9; 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**, the Clark County Prosecuting Attorney has established a Misdemeanor Diversion Program pursuant to the provisions of IC 33-39-1-8; and,

**WHEREAS**, this Board has identified the need to establish a non-reverting fund into which the proceeds from Misdemeanor Diversion Program fees are to be deposited for the use and benefit of the Clark County Prosecuting Attorney.

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

1. Establishment of Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund. The Clark County Prosecuting Attorney Misdemeanor

Diversion Program Non-Reverting Fund (the “Misdemeanor Diversion Program Fund”) is hereby established as a non-reverting fund to be administered and maintained by the Clark County Auditor.

2. Deposits into the Misdemeanor Diversion Program Fund. All funds received by the Clark County Clerk as fees for the Clark County Prosecuting Attorney Misdemeanor Diversion Program, shall be deposited into the County User Fee Fund established by IC 33-37-8-5, and administered by the Clark County Auditor. Upon receipt, the Clark County Auditor shall distribute these deposits (\$329.00 in each case) as follows:

- (A) \$120.00 for Court Costs (Deferred Prosecution Fee), pursuant to IC 33-37-5-17;
- (B) \$2.00 for a Document storage Fee, pursuant to IC 33-37-5-20;
- (C) \$5.00 for an Automated Record Keeping Fee, pursuant to IC 33-37-5-21.
- (D) \$5.00 for a Public Defense Administration Fee, pursuant to IC 33-37-5-21.
- (E) \$1.00 for a Judicial Insurance Adjustment Fee, pursuant to IC 33-37-5-25;
- (F) \$19.00 for a Judicial Salaries Fee, pursuant to IC 33-37-5-26;
- (G) \$5.00 for a Court Administration Fee, pursuant to IC 33-37-5-27;
- (H) \$2.00 for a DNA Sample Processing Fee, pursuant to IC 33-37-5-26.2;
- (I) The remainder, \$50.00 for a Initial User Fee, and \$120.00 for a 12-month Monthly User Fee, shall be deposited into the Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund, pursuant to IC 33-37-4-1 (c) and IC 33-37-8-6 (a).

In addition, \$329.50 shall be collected and deposited in each case that are “traffic offenses” as defined by IC 9-30-3-5, with the additional \$0.50 distributed for a

Highway Worksite Zone Fee, pursuant to IC 33-37-5-14;

3. Permitted Expenditures from the Misdemeanor Diversion Fund. Funds deposited into the Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund may be disbursed only by the adoption of an ordinance appropriating the funds for one (1) or more of the following purposes, pursuant to IC 33-37-8-6 (b):

(A) Personnel expenses related to the operation of the program.

(B) Special training for:

- (1) a Prosecuting Attorney;
- (2) a Deputy Prosecuting Attorney;
- (3) support staff for a Prosecuting Attorney or Deputy Prosecuting Attorney; or
- (4) a law enforcement officer.

(C) Employment of a Deputy Prosecutor or prosecutorial support staff.

(D) Victim assistance.

(E) Electronic legal research.

(F) Office equipment, including computers, software, communication devices, office machinery, furnishings, and office supplies.

(G) Expenses of a criminal investigation and prosecution.

(H) An activity or program operated by the Prosecuting Attorney that is intended to reduce or prevent criminal activity, including:

- (1) substance abuse;
- (2) child abuse;
- (3) domestic violence;
- (4) operating while intoxicated; and
- (5) juvenile delinquency.

(I) Any other purpose that benefits the Office of the Prosecuting Attorney or law enforcement and that is agreed upon by the county fiscal body and the

prosecuting attorney.

4. Funds deposited into the Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund may be used only in accordance with guidelines adopted by the Indiana Prosecuting Attorneys Council under IC 33-39-8-5, and must be appropriated to supplement, rather than take the place of, ordinary budgetary items of the Office of the Clark County Prosecuting Attorney.
5. No County warrants are authorized to be issued for expenditures from the Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund for payment of any monies except upon approval of a claim by the Prosecuting Attorney and in accordance with the terms of this Ordinance.
6. The Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund shall be perpetual unless and until terminated by subsequent ordinance enacted by this Board.
7. The Clark County Auditor is hereby directed to maintain and manage accurate accounting information regarding the receipts, expenditures, and balances of the Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund, providing the Clark County Prosecuting Attorney with accurate and timely information relating to said fund upon request.
8. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

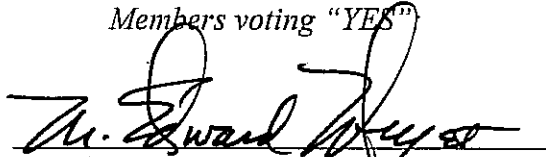
Members voting "NO":


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

\_\_\_\_\_  
John Perkins, Commissioner

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

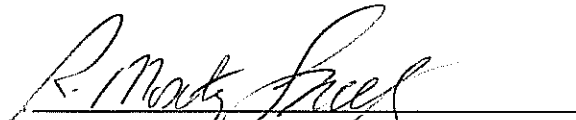
Members voting "YES":

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

  
\_\_\_\_\_  
John Perkins, Commissioner

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

Attested by:

  
\_\_\_\_\_  
Monty Snelling, Clark County Auditor