

## **Clerk-Treasurer Roles & Responsibilities**

In Indiana, all Clerk-Treasurers are elected for a four-year term of office. The Clerk-Treasurer is not an employee of the Town but an elected public official.

The Clerk-Treasurer is the keeper of the municipality's official public records and is the Chief Financial Officer in the Town of Sunman. Specific duties are defined by the Indiana Code and Municipal Code of Ordinances. No other elected municipal duties are as specifically defined by law as the duties of the Clerk-Treasurer. Attached: **IC 36-5-6Chapter 6. Town Clerk-Treasurer**

The Clerk-Treasurer has broad powers to hire and supervise employees and oversee the operation of the municipal budgets, including utilities. The ranking status of the Clerk-Treasurer is on equal level with the Town Council. The only area in which the Clerk-Treasurer does not have complete authority is setting wages and final approval of budgets. The office of the Clerk-Treasurer has evolved dramatically from a bookkeeper and secretary to a financial manager whose responsibilities impact the financial well-being of local government.

### **Administrative Duties**

- Establishes and maintains personnel files for Town employees and others and establishes and maintains other employment-related records;
- Responsible for completing reports as required by County, State, and Federal agencies;
- Attends various training sessions, meetings and seminars as necessary or required to effectively perform the duties of the office;
- Serves as Clerk for Town Council and Administrator of Public Works and any other executive meetings. Keeps a full record of those proceedings, as well as, all ordinances, resolutions and directions made at said meetings;
- Researches local, county and state record files, statutes, administrative rules, ordinances, policies, etc. as dictated by the needs of the Town;
- Acts as custodian of the public records of the Town;
- Administers public records requests;
- Maintains custody of and is responsible for all oaths, bonds, records, files, papers and property required to be deposited with the office;
- Responsible for the disposal of obsolete records as authorized by state statutes;
- Oversees the Information Technology for the Town;
- Works with all Department Heads compliance with local, state, and federal laws and statutes, as well, as ensuring financial integrity of Town funds;
- Other duties as necessary to establish an effective and efficient operation of public office;
- Establishes, with Town Council approval, the internal controls procedures for all Town employees, administrators, and boards as defined by state statute.

### **Financial Duties**

- Responsible for all accounts payables and receivables for the Town;
- Examines and validates each claim document and verifies the appropriate budget appropriation;
- Issues the order to pay each bill and disburses checks;
- Processes payroll and any applicable benefits;
- Preparation of annual budget all documents in compliance with Indiana Statute;
- Certifies the levy to the Department of Local Government and Finance upon approval from the Town Council;
- Administers the Town's general ledger system for all funds including utilities;
- Appropriates tax revenues collected by the Town to the various funds as required by law;
- Responsible for the billing and collection of fees for Town utilities and oversight of the billing office and staff;
- Responsible for the administration of any investments, bonds, or other financial commitments for the Town;
- Responsible for all local, state, and federal tax filings as applicable.

### **Notices**

- Publishes and/or posts ordinances and resolutions as required by Indiana statutes;
- Publishes bids, RFP's, job openings and other business notices as required or requested;
- Provides all appropriate notices as required by Indiana statute and Town regulations;
- Provides the media with press releases as necessary.

### **Associations**

- Liaison to Town Council, Boards, and Commissions;
- Develops agendas for Town Council meeting, executive sessions, and other meetings scheduled;
- Researches and provides supporting data relative of Town affairs/concerns.
- Liaison with Regional, State, and Federal Government Agencies;
- Coordinate and administer projects;
- Represents the Town at meetings with federal, state and local officials;
- Monitors pending legislation; secures policy direction from the Council and communicates same to legislators;
- Stays informed of happenings with surrounding local governments and the state and communicates important information to the Town Council.
- Liaison between the Town and Local Citizens and Community;
- Projects a positive image of the Town;
- Communicates with local groups such as Chamber of Commerce, civic groups and professional organizations;

- Responds to and addresses citizen inquiries and complaints;
- Answers public inquiries regarding geography, streets, roads, etc.;
- Ensure the public is apprised of the government's actions as they relate to the day-to-day operations of the town;
- Maintains ongoing relationships with media personnel and assists in coordinating all media responses;
- Responds to media requests;
- Develop ongoing relationships with existing businesses within the Town of Sunman;
- Develop relationships with out-of-town businesses, facilitate the growth of business within the Town of Sunman, and work toward bringing additional businesses to the Town.

### **Grantsmanship**

- Study and understand the history, structure, objectives, programs and financial needs of the Town and Utilities;
- Gather documentation and fulfill the necessary requirements of various funding bodies to formally seek funding on behalf of the Town;
- Research grant opportunities from government and non-government agencies;
- Writing, submitting, and managing grant based on the funding requirements of the Town and Utilities;
- Submit proposals and administer awards;
- Dedicate Fund for awarded monies in compliance with Indiana Statute;
- Respond to internal and external queries on drafted and submitted proposals;
- Maintain positive relationships with fund providers and other stakeholders;
- Maintain records and submit reports related to grant opportunities.
- Preparation of all documents in compliance with Indiana Statute.

## IC 36-5-6 Chapter 6. Town Clerk-Treasurer

[36-5-6-1](#) Application of chapter

[36-5-6-2](#) Clerk and fiscal officer

[36-5-6-3](#) Residency; term of office

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### IC 36-5-6-1 Application of chapter

Sec. 1. This chapter applies to all towns.

[Local Government Recodification Citation: New.]

*As added by Acts 1980, P.L.212, SEC.4.*

### IC 36-5-6-2 Clerk and fiscal officer

Sec. 2. The clerk-treasurer elected under this chapter is both the town clerk and the town fiscal officer.

[Local Government Recodification Citation: New.]

*As added by Acts 1980, P.L.212, SEC.4.*

### IC 36-5-6-3 Residency; term of office

Sec. 3. (a) The clerk-treasurer must reside within the town as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer ceases to be a resident of the town.

(b) Except as provided in subsection (c), (d), (e), or (f), the term of office of the clerk-treasurer is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(c) The term of office of a clerk-treasurer elected under [IC 36-5-1-10.1](#) following the incorporation of the town:

(1) begins at noon November 30 following the election; and

(2) continues until noon January 1 following the next municipal election scheduled under [IC 3-10-6-5](#) or [IC 3-10-7-6](#) and until the clerk-treasurer's successor is elected and qualified.

(d) The term of office of a clerk-treasurer subject to an ordinance described by [IC 3-10-6-2.6](#) is:

(1) one (1) year if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and

(2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

beginning at noon January 1 after the clerk-treasurer's election and continuing until the clerk-treasurer's successor is elected and qualified.

(e) The term of office of a clerk-treasurer subject to an ordinance described by [IC 3-10-7-2.7](#) is:

(1) three (3) years if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and

(2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

beginning noon January 1 after the clerk-treasurer's election and continuing until the clerk-treasurer's successor is elected and qualified.

(f) The term of office of a clerk-treasurer subject to an ordinance described by [IC 3-10-7-2.9](#) is:

- (1) the term of office provided by the ordinance, not to exceed four (4) years, for the clerk-treasurer elected in the first election cycle after adoption of the ordinance; and
- (2) four (4) years for the successors of the clerk-treasurer described in subdivision (1).

[Pre-Local Government Recodification Citation: 18-3-1-16 part.]

*As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.3-1987, SEC.562; P.L.3-1993, SEC.277; P.L.4-1996, SEC.104; P.L.109-2015, SEC.61.*

#### **IC 36-5-6-4Election**

Sec. 4. The clerk-treasurer shall be elected under [IC 3-10-6](#) or [IC 3-10-7](#) by the voters of the whole town.

[Pre-Local Government Recodification Citation: 18-3-1-16 part.]

*As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.5-1986, SEC.56.*

#### **IC 36-5-6-5Oaths, depositions, and acknowledgments**

Sec. 5. The clerk-treasurer may administer oaths, take depositions, and take acknowledgments of instruments required by statute to be acknowledged.

[Pre-Local Government Recodification Citation: 18-3-1-31 part.]

*As added by Acts 1980, P.L.212, SEC.4.*

#### **IC 36-5-6-5.1Office space provided**

Sec. 5.1. If office space exists in a building owned or leased by the town, the legislative body shall provide suitable office space for the:

- (1) clerk-treasurer; and
- (2) staff and records of the clerk-treasurer.

*As added by P.L.69-1995, SEC.12.*

#### **IC 36-5-6-6Powers and duties**

Sec. 6. (a) The clerk-treasurer shall do the following:

- (1) Receive and care for all town money and pay the money out only on order of the town legislative body.
- (2) Keep accounts showing when and from what sources the clerk-treasurer has received town money and when and to whom the clerk-treasurer has paid out town money.
- (3) Prescribe payroll and account forms for all town offices.
- (4) Prescribe the manner in which creditors, officers, and employees shall be paid.
- (5) Manage the finances and accounts of the town and make investments of town money.
- (6) Prepare for the legislative body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate.
- (7) Maintain custody of the town seal and the records of the legislative body.
- (8) Issue all licenses authorized by statute and collect the fees fixed by ordinance.
- (9) Serve as clerk of the legislative body by attending its meetings and recording its proceedings.
- (10) Administer oaths, take depositions, and take acknowledgment of instruments that are required by statute to be acknowledged, without charging a fee.
- (11) Serve as clerk of the town court under [IC 33-35-3-2](#), if the judge of the court does not serve as clerk of the court or appoint a clerk of the court under [IC 33-35-3-1](#).
- (12) Perform all other duties prescribed by statute.

(b) A clerk-treasurer is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the requirements set forth in subsection (a), unless the act or omission constitutes gross negligence or an intentional disregard of the requirements.

[Pre-Local Government Recodification Citations: Part new; 18-3-1-30; 18-3-1-31 part.]

*As added by Acts 1980, P.L.212, SEC.4. Amended by Acts 1981, P.L.17, SEC.27; P.L.189-1988, SEC.5; P.L.10-1997, SEC.33; P.L.33-1998, SEC.11; P.L.98-2004, SEC.162.*

### **IC 36-5-6-7Deputies and employees**

Sec. 7. (a) The clerk-treasurer shall appoint the number of deputies and employees needed for the effective operation of the office, with the approval of the town legislative body. The clerk-treasurer's deputies and employees serve at the clerk-treasurer's pleasure.

(b) If a town owns a utility and the clerk-treasurer is directly responsible for the billing and collection of that utility's rates and charges, the clerk-treasurer shall appoint those employees who are also responsible for that billing and collection. These employees serve at the clerk-treasurer's pleasure.

[Pre-Local Government Recodification Citation: 18-2-5-1 part.]

*As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.189-1988, SEC.6.*

### **IC 36-5-6-8Employment of attorneys or legal research assistants**

Sec. 8. (a) A clerk-treasurer may hire or contract with competent attorneys or legal research assistants on terms the clerk-treasurer considers appropriate.

(b) Appropriations for the salaries of attorneys and legal research assistants employed under this section shall be approved in the annual budget.

(c) Appropriations for the salaries of attorneys and legal research assistants employed under this section shall be approved in the annual budget and must be allocated to the clerk-treasurer for the payment of attorneys' and legal research assistants' salaries.

*As added by P.L.69-1995, SEC.13. Amended by P.L.98-2000, SEC.24.*

### **IC 36-5-6-9Vacancy in office**

Sec. 9. (a) This section applies if an office of town clerk-treasurer is vacant and the town legislative body is unable to fill the office under [IC 3-13-9-3](#).

(b) The town legislative body may select a town legislative body member, who shall assume the duties of the office of town clerk-treasurer. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana and Indiana law, if a town legislative body member serves as the ex officio town clerk-treasurer, the duties assumed by the town legislative body member:

- (1) are considered part of the duties prescribed by law for the office of town legislative body member; and
- (2) are not considered a second office.

A town legislative body member may not receive any additional compensation for assuming the duties of the town clerk treasurer.

(c) The town legislative body may enter into an interlocal agreement under [IC 36-1-7](#) with the town clerk-treasurer and town legislative body of another town in the state to assist the town legislative body member selected under subsection (b) in performing the duties of the clerk-treasurer's office. The agreement may not last longer than the remainder of the vacant clerk-treasurer's term and must meet the requirements of [IC 36-1-7](#).

(d) If an agreement cannot be reached under subsection (c), the town legislative body may enter into a contract with a certified public accountant to assist the town legislative body member selected under subsection (b) in performing the duties of the clerk-treasurer's office. The contract may not last longer than the remainder of the vacant clerk-treasurer's term.

*As added by P.L.120-2015, SEC.3.*

### **IC 36-5-6-10 Training requirements**

Sec. 10. (a) As used in this section, "training courses" refers to training courses, workshops, training institutes authorized by [IC 5-11-14](#), formal academies, special seminars, and other in-service training related to an office described in section 2 of this chapter that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.

(b) An individual elected to the office described in section 2 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is elected to the office described in section 2 of this chapter.

(c) A training course that an individual completes:

- (1) after being elected to the office described in section 2 of this chapter; and
- (2) before the individual begins serving in the office described in section 2 of this chapter;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements established by subsection (b) for each term to which the individual is elected to the office described in section 2 of this chapter.

(e) This subsection applies only to an individual appointed to fill a vacancy in the office described in section 2 of this chapter. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual described in this subsection takes a training course required by subsection (b) for an individual elected to the office described in section 2 of this chapter, the town shall pay for the training course as if the individual had been elected to the office described in section 2 of this chapter.

(f) The:

- (1) town executive;
- (2) town legislative body; and
- (3) individual who holds the office described in section 2 of this chapter;

shall use all reasonable means to ensure that the individual who holds the office described in section 2 of this chapter complies with the training requirements established by this section.

(g) The individual who holds the office described in section 2 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this section.

(h) If a town reorganizes under [IC 36-1.5](#), the individual who performs the functions of the office described in section 2 of this chapter for the town shall comply with the training requirements established by this section for the reorganized political subdivision.

*As added by P.L.257-2019, SEC.114.*