County Authority

Home Rule: Counties in Indiana have home rule power and the authority to determine their local affairs and government structure so long as it is consistent with state law.

TOP REVENUE SOURCES FOR INDIANA COUNTIES

Summary of County Services

Services counties MUST provide:
- Establish and maintain health departments, jails and courthouses.
- Provide emergency medical services through an advisory council.
- Authorize funds for road and bridge projects.

Services counties MAY provide:
- Establish, build and maintain hospitals and libraries.
- Regulate property development in unincorporated areas.
- Establish a housing authority.
- Provide ambulance services, police forces and fire protection through fire districts.

Services counties CANNOT provide:
- Provide or oversee gas and electric utility services.

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

Government Form

- Traditional
- Board of County Commissioners – 3
- County Council – 7 or 9

Population (2020)
- 6.8 million

Counties
- 92

INTEGRAL
COUNTY GOVERNMENT OVERVIEW
SUMMARY

Indiana counties have a three-member board of county commissioners and a county council with seven or nine members. County commissioners usually serve as both the executive and legislative body. Generally, the commissioners must administer county government affairs not delegated to a separate county officer, while the council has fiscal jurisdiction. The consolidated government of Indianapolis and Marion County has a different structure from the other counties in the state and operates under a mayor-council. The elected mayor serves as the head of the executive branch, and a 25-member city-county council has legislative authority.

<table>
<thead>
<tr>
<th>Row Officers</th>
<th>Elected/Appointed</th>
<th>Required/Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Auditor</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Clerk of the Circuit Court</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Coroner</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Recorder</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Sheriff</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Surveyor</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
</tbody>
</table>

COUNTY STRUCTURE

**Legislative Branch:** The board of commissioners acts as the legislative decision-making body for all counties, except for Marion, Lake and St. Joseph counties where the power is vested in the county council.

**Executive Branch:** The executive body of a county is comprised of all members of the board of commissioners and led by one commissioner voted as President of the Board.

**Judicial Branch:**
The state oversees the court system, but courts are funded by counties and organized by county lines.

There is one probate court in the state in St. Joseph’s County, and there is one small claims court in Marion County.

**Optional Forms of Government:**
- Mayor-council
- Consolidated city-county system

COUNTY AUTHORITY

**Executive Power:** A county may exercise its general powers subject only to limitations expressly imposed by a state law.

**Ability to Form Partnerships:** A county may consolidate or merge with another county, a township, a municipality or a school corporation. Counties may also jointly provide any service that may be individually provided.

**Call a State of Emergency:** The board of county commissioners may declare a local emergency. The county legislative body must approve any local emergency order that is either more stringent or not addressed in a state emergency order.

**Special Districts:** There are nearly 700 special districts in Indiana. Special districts may be created by the county commissioners or through a petition. There are around 20 different types of special district in the state, including local airport and port authorities, regional water, sewage and solid waste districts and conservancy districts.
OVERVIEW OF COUNTY SERVICES

Indiana counties have jurisdiction over a range of services, including some that are unique, such as the establishment of a historic preservation commission and fire protection districts. Given that all counties operate under home rule, the provision of most services is optional so long as the health, safety and welfare of county citizens is upheld. Some services, however, are required by the state, including emergency management through an advisory council or participation in an interjurisdiction disaster agency.

HEALTH AND HUMAN SERVICES

County Health Department: County executives must establish and maintain a local health department. The county executives of two or more adjacent counties may establish and maintain a multi-county health department if the state approves. County health departments must enforce orders of the state department from health.

Hospitals: County executives may establish a county hospital. The executive must appoint a four-member board to oversee and operate the hospital.

Senior Care Facilities: Counties may create a home for aging residential care assistance.

Mental Health Facilities: Counties must fund the mental health facilities designated in each county. Counties may provide additional funding and services.

Child Welfare: The state administers child welfare services.

INFRASTRUCTURE

Roads: The county council may establish a road and bridge board, which is responsible for carrying out construction, reconstruction and operation of roads and bridges. The county’s fiscal body must authorize bonds to fund road and bridge projects.

Weed Cutting: Counties must control detrimental plants and harmful weeds along county roadsides.

Utilities: The state has jurisdiction over public utilities including electric, natural gas, steam, water and wastewater utilities, as well as utilities operating as conservancy districts.

- Water: If petitioned, counties may establish a regional water district.
- Sewage: If petitioned, counties must establish a regional sewage district.
- Solid Waste: If petitioned, counties must establish a regional solid waste district.
- Electric: Counties cannot provide or oversee electric utility services.
- Gas: Counties cannot provide or oversee gas utility services.
PUBLIC AMENITIES

Parks and Recreation: Counties may establish, aid, maintain and operate public parks, playgrounds and recreational facilities. A county with a consolidated city may issue bonds to fund sports and fitness facilities.

Libraries: Counties may establish a public library and appoint a library board.

War Memorials: Counties, independently or with cities in the county, may acquire real estate to construct and maintain a world war memorial.

Agricultural Societies: County residents may organize an agricultural society to improve agriculture within the county. The society and associated fees must be certified by the county auditor.

4-H Club: A county council may levy a tax to operate, construct and maintain a 4-H club once a petition is filed by county residents and the levy is accepted by the board of county commissioners.

ZONING AND DEVELOPMENT

Zoning Power: In unincorporated areas, counties may provide zoning and establish an area planning department. The legislative body of a county may establish an area planning or advisory plan commission to administer zoning.

Zoning Restriction: Counties cannot restrict agricultural uses of lands beyond the restrictions in the most recent comprehensive plan or zoning ordinance.

Housing Authority: If the fiscal body determines a housing authority is needed, counties may establish one. If established, the authority must carry out housing projects and provide accommodations to low-income residents.

Historic Preservation: Counties may establish a historic preservation commission to preserve and protect the historic or architecturally worthy parts of the area.
PUBLIC SAFETY

Law Enforcement: Counties may have a police force. Each county has a county law enforcement continuing education program. The program provides officers with education on a range of law enforcement situations and information on officer duties. The sheriff of Indianapolis and Marion County does not provide law enforcement because of its unified government but still operates jails.

Jails: Counties must establish a county jail, and the county sheriff must take care of the facilities and the jail inmates.

Courthouses: Counties must establish and maintain a county courthouse. Every county has a circuit court except Ohio and Dearborn counties, which share a circuit court.

Fire: Counties may establish fire protection districts.

Ambulance: Counties may establish and maintain emergency medical services and may levy taxes and fees to fund these services.

Emergency Management: Counties must maintain an emergency management advisory council and organization or participate in an interjurisdiction disaster agency. The advisory council must supervise and control emergency management and disaster programs and select a county emergency management and disaster director.

SCHOOLS

Education, Generally: The state establishes educational goals. Counties may provide a technical role in a school district’s reorganization process but this event is rare. School corporations have a locally elected board of trustees.

Funding: Each school governing body may levy an annual tax on taxable property within the school corporation’s jurisdiction.

School Districts: School districts are organized into community school corporations.

INDIANA COUNTIES EMPLOY 64,713 GOVERNMENT EMPLOYEES

<table>
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<tr>
<th>Services</th>
<th>Full-time</th>
<th>Part-time</th>
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<tbody>
<tr>
<td>Health and Hospitals</td>
<td>7,590</td>
<td>20,034</td>
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<tr>
<td>Justice &amp; Public Safety</td>
<td>3,004</td>
<td>16,887</td>
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<tr>
<td>Administrative</td>
<td>1,186</td>
<td>1,648</td>
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<tr>
<td>Transportation</td>
<td>1,370</td>
<td>1,465</td>
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<tr>
<td>Public Amenities</td>
<td>1,415</td>
<td>1,495</td>
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</tbody>
</table>

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

INDIANA COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES

<table>
<thead>
<tr>
<th>Category</th>
<th>Employees</th>
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<tbody>
<tr>
<td>Health and Hospitals</td>
<td>27,624</td>
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<tr>
<td>Justice &amp; Public Safety</td>
<td>19,961</td>
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<tr>
<td>Administrative</td>
<td>6,534</td>
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<td>Transportation</td>
<td>3,870</td>
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<tr>
<td>Public Amenities</td>
<td>1,915</td>
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</tbody>
</table>

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017
OVERVIEW OF COUNTY FINANCE STRUCTURE

All county taxation decisions are made by the fiscal body of a county. The main sources of revenue for Indiana counties are property taxes, local income taxes and specific sales taxes authorized by the state on a per county basis. Counties may impose certain less common taxes, such as a motor vehicle excise tax, food and beverage tax and a wheel tax. Counties in Indiana have the rare ability to impose individual income taxes, which amounted to $445 million in revenue in 2017.

FINANCES, TAXES AND LIMITATIONS

**Property Tax:** Counties may tax property. Funds raised may be used for the cumulative capital fund, public health, welfare or safety in an emergency. Property tax rates are capped at a maximum of 1 percent of value for residential, 2 percent of value for rental and farmland and 3 percent of value for all other types. Mineral rights are included as assessed property for property taxes.

**Income Tax:** Counties may adopt, increase, decrease or rescind an income tax. The income tax rate is a combination of income taxes for specific funds as authorized by the state. Revenues are deposited into a state-run account for the county. The expenditure rate cannot exceed 2.5 percent except for Marion County, where the rate cannot exceed 2.75 percent.

**Sales Tax:**
- **Food and Beverage Tax:** Counties may tax food and beverages, but the tax must be approved by legislation.
- **Innkeeper’s Tax:** Counties may tax hotel stays, campsites, residence rentals and more.

**Gas/Fuel Taxes:** The state taxes gasoline and special fuels. Costs to maintain county highways must first be paid for by the gasoline tax, special fuel tax and motor vehicle registration fees.

**Debt and Debt Limit:** Counties may borrow money and contract debt up to 2 percent of the a value of all taxable property in the county. If petitioned by voters, counties may exceed debt limits. Counties may also issue general obligation and capital bonds.

**Other Finance Info:**
- **Vehicle Excise Tax:** Counties may levy a vehicle excise tax on each vehicle registered in the county.
- **Wheel Tax:** Counties may levy a wheel tax at different rates for different classes of vehicles.

INDIANA COUNTIES INVEST $9.6 BILLION ANNUALLY

<table>
<thead>
<tr>
<th>Tax Expenditure Category</th>
<th>Intergovernmental Sources</th>
<th>County-Generated Revenue</th>
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<tbody>
<tr>
<td>Health and Human Services</td>
<td>44%</td>
<td>$4.2 B</td>
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<tr>
<td>Justice and Public Safety</td>
<td>17%</td>
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<td>Transportation</td>
<td>8%</td>
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<td>Administration</td>
<td>6%</td>
<td>$565 M</td>
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<tr>
<td>Utilities</td>
<td>6%</td>
<td>$544 M</td>
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</table>

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

INDIANA COUNTIES RECEIVE $2.1 BILLION FROM INTERGOVERNMENTAL SOURCES

- **79%** from Intergovernmental Sources
- **16%** from State Government
- **2%** from Local Government
- **3%** from Federal Government

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017