

ORDINANCE 22-1407

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL
ESTABLISHING PROCEDURES GOVERNING AUTOMATIC CLEARING HOUSE
TRANSACTIONS & ELECTRONIC FUNDS TRANSFERS

WHEREAS, the Clerk-Treasurer for the City of Woodburn finds it necessary to implement Automatic Clearing House (‘ACH’) transactions and Electronic Funds Transfers (‘EFT’) to reasonably facilitate the duties of the office in an ever increasingly digital work environment; and,

WHEREAS, in consideration of Indiana Code 5-13-5-5, which states:

- a) “The fiscal body of any political subdivision may by ordinance or resolution authorize the proper legal officers of the political subdivision to transact the political subdivision’s business with a financial institution or a public pension or retirement fund administered by the Indiana public retirement system through the use of electronic funds transfer

- b) The ordinance or resolution must:
 - i. Specify the types of transactions that may be conducted by electronic funds transfer; and
 - ii. Require the proper officers to maintain adequate documentation of the transactions so that they may be audited as provided by law.”

it is reasonable and lawful to formally adopt an ordinance to establish expectations and authority on these topics; and,

WHEREAS, the Common Council of the City of Woodburn, Indiana is the legislative and fiscal body for the City of Woodburn, and, by law is authorized to adopt ordinances to govern the administration of City fiscal matters; and,

WHEREAS, modern language in Indiana State Code may be antiquated to handle certain complications that may arise in a modern workspace.

NOW THEREFORE, BE IT ORDAINED by the Woodburn City Common Council as described:

1. Regarding ACH transactions: The Clerk-Treasurer, or others at their direction, are hereby authorized to make certain payments via ACH as well as collection via ACH. This includes but is not limited to, payroll payments to employees, payments to INPRS, payments to 457 B plans, garnishment payments, state and federal tax withholding, monthly sales tax payments, monthly autopay utility customer files, transfers between City owned financial accounts (which may include transfers between institutions), collection of payments via online payment, payment from any state or federal agency, franchise fees, etc. as is necessary to reasonably perform the duties of the office.
2. Regarding EFT transactions: The Clerk-Treasurer, or others at their direction, are hereby authorized to make transfers via EFT between City of Woodburn financial accounts as is necessary to reasonably perform the duties of the office.
3. Certain transactions will be transacted via ACH from City of Woodburn financial accounts in perpetuity after initially established up to and including the time in which the arrangement is modified or cancelled. This includes but is not limited to: monthly bank fees, timecard system charges, online credit card payment portal charges, and health reimbursement account escrow payments.
4. The Clerk-Treasurer, or others at their direction, are hereby authorized to cancel, modify, or reverse any ACH or EFT transaction that was either initiated or received by the City of Woodburn in error, prior to its execution, if it be possible and reasonable to do so.
5. The Clerk-Treasurer will maintain documentation to provide an audit trail for future consideration justifying ACH and/or EFT transactions that were performed or received under their direction.
6. Given that the intent of Indiana Code 5-13-5-5 was previously executed, less an ordinance or resolution to formally justify the process, this Ordinance shall be retroactive upon passage.
7. No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Adopted and Ordained this 6TH day of September, 2022.

< SIGNATURES ON NEXT PAGE >

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: _____ YEA _____ NAY _____ ABS _____
Michael Voirol, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Michael Martin, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Tonya Thompson, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Dean Gerig, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Daniel Watts, Councilman

ATTEST:

By: _____
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.

By: _____
Joseph Kelsey, Mayor for the City of Woodburn