

ORDINANCE NO. 2026- 11

**AN ORDINANCE CREATING A NONREVERTING
WELLS COUNTY DONATION FUND.**

WHEREAS, pursuant to Ind. Code § 36-2-2-2 the Board of Commissioners of Wells County, Indiana (“Board”), is the executive body of the Wells County government;

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

WHEREAS, pursuant to Ind. Code § 36-1-3 (“Home Rule”), the Board has all powers granted it by statute and all other power necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity;

WHEREAS, the Board, on behalf of Wells County, desires and finds it in the public interest to facilitate donations for community projects and endeavors for the benefit of all citizens of Wells County;

WHEREAS, pursuant to IC § 36-1-4-10, the Board may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source; *and*

WHEREAS, the Board desires to create a non-reverting fund to house grants, donations, and other non-County money received for the purposes of the community projects and endeavors for the benefit of all citizens of Wells County.

WHEREAS, Ind. Code § 36-1-6-3 requires that Counties exercising powers must enact an ordinance.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Wells, Indiana that:

SECTION I

- A. Creation. The Treasurer shall create the Wells County Donation Fund (“Fund”) into which shall be deposited all gifts, donations, grants, and loans received by any agency or office of the County that are specifically earmarked for community projects and endeavors for

the benefit of all citizens of Wells County, not specifically identified for any existing or future donation fund accounts for specific departments or projects.

- B. Purpose. Money in the Fund shall be used only for community projects and endeavors for the benefit of all citizens of Wells County, not otherwise specified by any other donative funds.
- C. Restrictions. When depositing any gift, donation, grant, or loan into the Fund, the depositor shall notify the Treasurer of any spending restrictions relating thereto. Fund expenditures shall conform to any such restrictions.
- D. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- F. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

SECTION II

A. References.

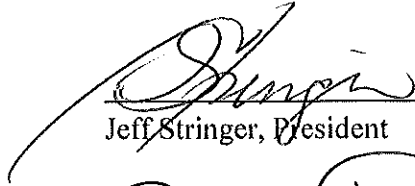
- 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, or renumbered from time to time.
- 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of the) County of Wells (Indiana)."
- 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.

- B. Conflicts. 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 same.
- C. Severability. 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Date. This ordinance shall be effective immediately upon adoption.

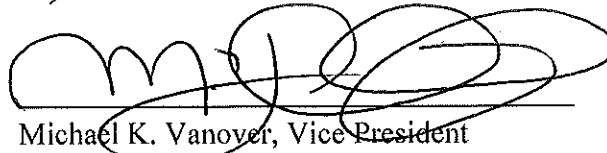
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All as Passed an Ordained this 5th day of October, 2026.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS, INDIANA:



Jeff Stringer, President



Michael K. Vanover, Vice President



Blake Gerber, Member

ATTEST:

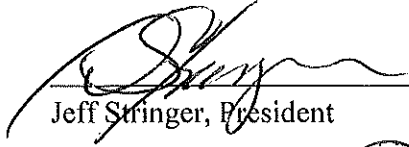


Lisa McCormick, Auditor

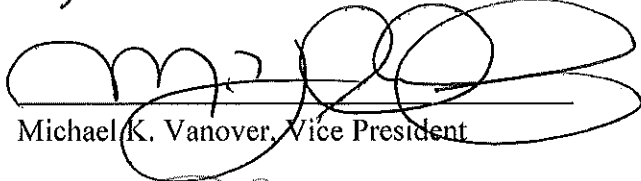
This instrument was prepared by Wells County Attorney, Theodore T. Storer, Beers Mallers LLP 110 West Berry St. Ste. 1100, Fort Wayne, IN 46802. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Theodore T. Storer

WAIVER OF SECOND READING

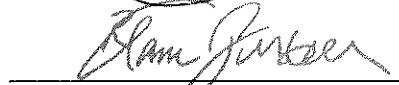
On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective immediately.



Jeff Stringer, President



Michael K. Vanover, Vice President



Blake Gerber, Member

ATTEST:



Lisa McCormick, Auditor