

COMMISSIONER ORDINANCE NO. C-2005- 07

AN ORDINANCE ESTABLISHING THE HUNTINGTON COUNTY
IDENTIFICATION SECURITY PROTECTION FUND

WHEREAS I.C. 36-2-7.5-11(b) confers authority on the Board of Commissioners of the County of Huntington (hereinafter, "Commissioners"), as the legislative body for said County, to establish an identification security protection fund (hereinafter, "Fund"), and that it is the Commissioners' intent to establish said Fund to comply with the provisions of I.C. 36-2-7.5-11(b).

WHEREAS I.C. 36-2-7.5-11(c) provides that said Fund shall consist of money from each fee collected by the Recorder of Huntington County (hereinafter, "Recorder") pursuant to I.C. 36-2-7-10(b)(1) through (2); specifically, that fee collected by the Recorder upon the recording of any document (hereinafter, "Fee").

WHEREAS I.C. 36-2-7.5-6(c) provides that until July 1, 2011, the Recorder shall deposit two dollars (\$2) of said Fee into said Fund.

WHEREAS I.C. 36-2-7.5-11(b) provides that said Fund shall be administered by the Recorder.

WHEREAS I.C. 36-2-7.5-11(c) provides that money from said Fund shall not revert to the general fund of Huntington County.

WHEREAS I.C. 36-2-7.5-11(d) provides that the Recorder may use money in said Fund only to purchase, upgrade, implement, or maintain "redacting technology", as defined by I.C. 36-2-7.5(2), and as used in the Recorder's office (hereinafter, "Technology").

WHEREAS I.C. 36-2-7.5-8 provides that after December 31, 2007, the Recorder is to employ said Technology to redact Social Security numbers contained in recorded documents available for public inspection.

WHEREAS the Commissioners have determined that it is in the best interests of the people of Huntington County that it pass an ordinance to comply with the above-referenced provisions, and to establish the Fund mandated by I.C. 36-2-7.5-11(b) in order to comply with the laws of the State of Indiana and also to protect the residents of Huntington County from unauthorized use of their Social Security numbers.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the County of Huntington:

(A) The Recorder of Huntington County (hereinafter, "Recorder") shall administer a fund that shall be called the Huntington County Identification Security Protection Fund.

(B) As condition to and part of his or her administration of the Huntington County Identification Security Protection Fund, the Recorder shall comply with the following provisions in the Indiana Code: I.C. 36-2-7.5-6, I.C. 36-2-7.5-8, I.C. 36-2-7.5-9, and I.C. 36-2-7.5-10. The following are summaries of those provisions:

(i) I.C. 36-2-7.5-6 provides that the Recorder may not accept a document for recording without there being attached thereto a completed and executed form prescribed by the state board of accounts which affirms under the penalties for perjury that the individual preparing or recording the document has taken reasonable care to redact each Social Security number in the document and has reviewed the entire document before submitting the document for recording in order to identify and, to the extent permitted by law, redact all Social Security numbers.

(ii) I.C. 36-2-7.5-8 provides that after December 31, 2007, and to the extent possible, the Recorder may not disclose a recorded document for public inspection until the Recorder has searched the document for a Social Security number or for Social Security numbers, and, to the extent possible and using redacting technology, has redacted any Social Security numbers contained in the document.

(iii) I.C. 36-2-7.5-9 provides that the Recorder shall post a notice in his or her office that describes the duties of both the individual preparing a document for recording and of the Recorder, both with respect to the searching and redacting of Social Security numbers (as provided in I.C. 36-2-7.5-1 et seq.). I.C. 36-2-7.5-9 provides further that the Recorder shall post on the same notice the penalties under I.C. 36-2-7.5-12. I.C. 36-2-7.5-12 provides that the Recorder or an employee of the Recorder who discloses a recorded document that contains a Social Security number without having the document searched, to the extent technologically possible, using redacting technology commits a Class A infraction.

(iv) I.C. 36-2-7.5-10 provides that the Recorder shall conduct training sessions at least two (2) times each year for the Recorder's employees on the requirements provided for by I.C. 36-2-7.5-1 et seq. and on procedures to follow in order to comply with the same provisions.

(C) The Recorder shall deposit with the Treasurer of Huntington County two

dollars (\$2) of each fee it collects pursuant to I.C. 36-2-7-10(b)(1) through (2) upon the recording of any document with the Recorder. This paragraph C shall expire July 1, 2011.

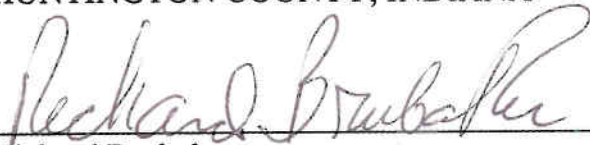
(D) The Recorder shall maintain the Huntington County Identification Security Protection Fund with the Treasurer of Huntington County in an account separate from that of the general fund of Huntington County and shall ensure that no monies in the Huntington County Identification Security Protection Fund are placed either in Huntington County's general fund or in any other fund.

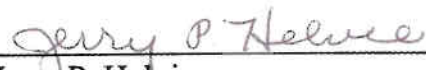
(E) The Recorder may request that the Council of Huntington County appropriate money from the Huntington County Identification Security Protection Fund, and the Council of Huntington County shall appropriate said money upon the Recorder's request, whenever the Recorder determines that the money shall be used for the purpose of purchasing, upgrading, implementing or maintaining redacting technology in the Recorder's office.

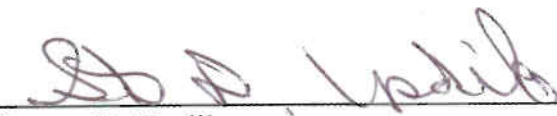
(F) The ordinance shall be effective January 1, 2006.

Dated this 27 day of December, 2005.


BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA


Richard Brubaker


Jerry P. Helvie


Steven D. Updike

ATTEST:


Donald D. Schoeff, Auditor
Huntington County, Indiana