

ORDINANCE NO. 2019-R- 17

DEKALB COUNTY CODE SECTION 28-9-8

DEKALB COUNTY COMMISSIONERS

AN ORDINANCE ESTABLISHING

A RESTRICTED FUND FOR THE

DEKALB COUNTY PUBLIC DEFENDER OFFICE

WHEREAS, DeKalb County, Indiana has a Public Defender Office representing indigent individuals charged with criminal offenses who have been found by the Court to not be able to afford legal representation for their criminal cases; and

WHEREAS, the Public Defender Office is required by Court Order to furnish those they represent with suitable clothing for Court proceedings, if necessary; and

WHEREAS, a number of persons and/or entities have offered to donate funds or in kind gifts of clothing to assist the Office of the Public Defender because there is never enough money available for the Public Defender Office to fund such purposes; and

WHEREAS, there is no constitutional or statutory provision requiring a specific manner for establishing a donation fund for voluntary contributions for and on behalf of the DeKalb County Probation Department and those who come within its purview, but the County Commissioners as the County Executive and County legislation branch are empowered under that legislation commonly referred to as "Home Rule" to establish one or more funds for a particular purpose or function, pursuant to Indiana Code 36-1-3-6(b) and (c) in connection with Indiana Code 36-1- 3.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

Section 1. There is hereby established a restricted donation fund to be used to purchase clothing, shoes, and other personal needs items for criminal defendants it has been chosen by Court Order to represent said individuals in criminal proceedings, subject to the County Council approving a specific account number. Specifically, these funds may be utilized to purchase clothing, shoes, and personal items for those indigent individuals represented by the Office of the Public Defender, and where the Court has ordered that the Office of the Public Defender supply suitable clothing, shoes, and other personal needs items.

- Section 2. Any person (individuals, groups, or business entities) may contribute money to fund this account for the purposes set forth herein through the Office of the DeKalb County Public Defender. To assist with ease of administration of this fund, only money contributions by way of cash, check, or money order will be accepted, and no contributions of materials or labor shall be acceptable under this Ordinance. Should a person desire to make an in kind contribution, it should be made directly to the individual through the Office of the Public Defender.
- Section 3. The County reserves the right to cut off contributions for this fund temporarily if the Commissioners deem that there are sufficient funds in the restricted account for the foreseeable future.
- Section 4. The Commissioners may repeal this Ordinance if the Commissioners determine that there is no longer a need for said funding, but any monies remaining in the fund must be utilized for the purposes for which the fund was established until the fund is depleted. If no such purpose can be found to deplete the funds, such funds shall be deposited into that fund generally referred to as "County General". Donated funds that remain at the end of the appropriate calendar year shall not carry over because said funds need to be budgeted, and any of said funds remaining at the end of the fiscal year shall revert to that fund generally referred to as "County General".
- Section 5. Although current Section 170(c)(1) of the Internal Revenue Code permits tax deductible contributions to governmental units, including counties, for such public purposes, the County cannot confirm that contributions are tax deductible because the County has not sought a letter ruling from the Internal Revenue Service. However, the County has requested from the Internal Revenue Service a "governmental information letter" describing the government entity exemption from federal income tax, citing applicable Internal Revenue Code sections pertaining to deductible contributions and income exclusion, which letter will be made available through the County Auditor's office upon request.
- Section 6. Effective Date: This Ordinance becomes effective after passage of the third reading as adopted by the DeKalb County Commissioners and the publication of this Ordinance thereafter as required by law.
- Section 7. Ordinance Codified: This DeKalb County Ordinance Number 2019-R-17 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as DeKalb County Code 28-9-8 and properly indexed in the Code.

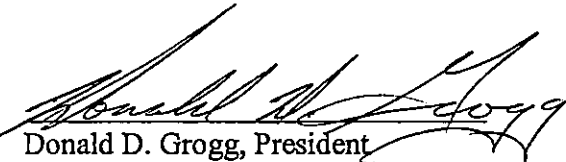
READ AND PASSED ON FIRST READING: Monday, July 22, 2019.

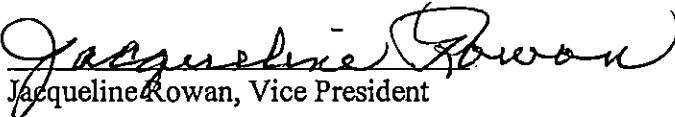
READ AND PASSED ON SECOND READING: Monday, July 22, 2019.

READ AND PASSED ON THIRD READING: Monday, July 22, 2019.

This Ordinance No. 2019-R-17 codified as DeKalb County Code Section 28-9-8 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

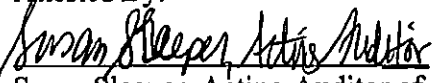
COMMISSIONERS:

BY: 
Donald D. Grogg, President

BY: 
Jacqueline Rowan, Vice President

BY: 
William L. Hartman, Vice President

Attested By:


Susan Sleeper, Acting Auditor of
DeKalb County, Indiana