

ORDINANCE NO. 2018-R-22
DEKALB COUNTY CODE SECTION 28-9-5
DEKALB COUNTY COMMISSIONERS
AN ORDINANCE ESTABLISHING
A RESTRICTED FUND FOR THE
DEKALB COUNTY PROBATION DEPARTMENT

WHEREAS, DeKalb County, Indiana has a Probation Department that funds various ventures and programs to assist the rehabilitation of those individuals on probation in an effort to help the rehabilitation process as those individuals are reintegrated back into the general population; and

WHEREAS, there is never enough money available for the Probation Department to fund all of the programs it would like to fund for this purpose; and

WHEREAS, a number of persons have offered to donate funds to assist with training and programs to supplement those funds that are otherwise available for the purposes for which the County Probation Department serves; 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 for the training and programs offered by the DeKalb County Probation Department to further the purposes for which the Probation Department exists, subject to the County Council approving a specific account number. Specifically, may include purchases for "Red Ribbon Week" supplies for local schools, observation training for the dangers of alcohol, tobacco, and other drugs; urine screen incentive program, drug enforcement (including testing, supplies, confirmation fees, education and training; capital outlays

for furniture, landscaping and equipment; other supplies for DVD's, books and games for participants; educational expense, including materials and instructor manuals and fee assistance; technology, laptops, car washes for vehicles; safety supplies, including ballistic vests, search gloves and boots; incentives for holidays and compliance, and cooperative uses for the purposes of both the Probation Department and Community Corrections Department.

- Section 2. Any person (individuals, groups, or business entities) may contribute money to fund this account for the restricted purpose of advancing the training and programs offered through the DeKalb County Probation Department pursuant to its mission in assisting rehabilitation and reintroduction to society, including money for training and programs and on behalf of those who come before the DeKalb County Probation Department and also for those employees of the DeKalb County Probation Department administering to the needs of the Department. 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.
- 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".
- 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 2018-R-22 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as DeKalb County Code 28-9-5 and properly indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, December 10, 2018.


READ AND PASSED ON SECOND READING: Monday, December 17, 2018.

READ AND PASSED ON THIRD READING: Monday, December 17, 2018.


This Ordinance No. 2018-R-22 codified as DeKalb County Code Section 28-9-5 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

COMMISSIONERS:

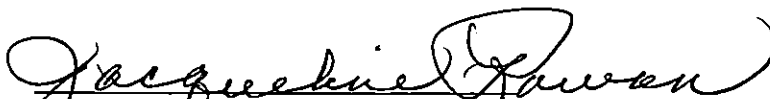
BY:


Donald D. Grogg, President


BY:


Randall J. Deetz, Vice President

BY:


Jacqueline Rowan, Vice President

Attested By:


Jan Bauman, Auditor of
DeKalb County, Indiana