

**ORDINANCE NO. 2018-R-27**

**DEKALB COUNTY CODE SECTION 28-9-7**

**DEKALB COUNTY COMMISSIONERS**

**AN ORDINANCE ESTABLISHING A RESTRICTED FUND FOR THE**

**DEKALB COUNTY SHERIFF TO ACQUIRE BODY CAMERAS**

**FOR ROAD DEPUTIES AND REPLACE IN-DASH CAMERAS**

**IN ROAD DEPUTY VEHICLES**

**WHEREAS**, DeKalb County, Indiana has a Sheriff Department with road deputies who very often interact with the public at large and with specific individuals for numerous reasons; and

**WHEREAS**, most road deputy vehicles have in-dash cameras that serve a useful purpose benefitting both the road deputies and the individuals with whom road deputies interact, but which dash camera systems must be replaced from time to time and members of the public are often interested in making donations to keep up those in-dash camera systems; and

**WHEREAS**, both the road deputies and the members of the community would likewise be better served if road deputies had body cameras, which can be an important too in improving officer safety, allow law enforcement to review and critique the behavior of officers while they are on duty, and also improve transparency and accountability, which in turn is very good for public relations; and

**WHEREAS**, there is never enough money available for the Sheriff's Department to fund the acquisition and maintenance of Sheriff Deputy dash camera systems for their vehicle and body cameras on their persons; and

**WHEREAS**, one or more persons have offered to donate funds to assist with the acquisition and maintenance of vehicle dash cameras for road deputies and body cameras for those road deputies; 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 Sheriff's 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 DeKalb County Sheriff's Department for the acquisition and maintenance of in vehicle dash camera systems and body camera systems for road deputies, which funds may also be utilized to protect officers, improve officer safety, be utilized by law enforcement to review and critique the behavior of officers while on duty as part of overall training programs and also utilized for education, capital outlays for acquisition of such cameras and their replacements, additional educational expenses, including materials and instructor manuals and the like.
- Section 2. Any person (individuals, groups, or business entities) may contribute money to fund this account for the restricted purpose of assisting the in vehicle dash cameras and Sheriff Deputy body cameras as more specifically identified in Section 1 above. 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-27 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as DeKalb County Code 28-9-7 and properly indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, December 31, 2018.

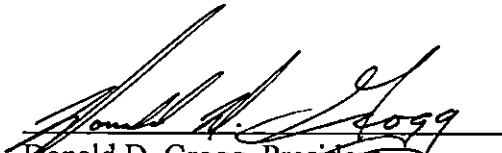
READ AND PASSED ON SECOND READING: Monday, December 31, 2018.

READ AND PASSED ON THIRD READING: Monday, December 31, 2018.

This Ordinance No. 2018-R-27 codified as DeKalb County Code Section 28-9-7 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

**COMMISSIONERS:**

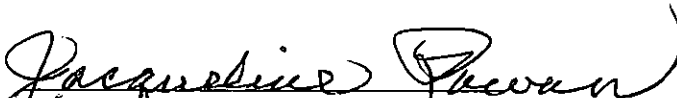
BY:

  
Donald D. Grogg, President


BY:

  
Randall J. Deetz, Vice President

BY:

  
Jacqueline Rowan, Vice President

Attested By:

  
Jan Bauman, Auditor of  
DeKalb County, Indiana