

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	06/11/2013	Requested Meeting Date:	06/17/2013		
		Confirmed Meeting Date:			
Received by:					
Contact Information: Please provide all requested information in the fields below. (Print or Type)					
On Behalf of Organization or Individual:					
Name:	Lynnette Gray			Telephone:	(317) 738-3365
Title or Position:	City Attorney				
E-Mail:	lynng@embarqmail.com				
Address:	63 E. Court Street				
City:	Franklin	State:	IN	ZIP:	46131
Who will attend the meeting and present the request?					
Name:	Lynnette Gray			Telephone:	(317) 738-3365
Title or Position:	City Attorney				
E-Mail:	lynng@embarqmail.com				
Please describe the purpose or title of your presentation.					
To request approval of Ordinance No. 13-08, An Ordinance Establishing the Blake Dickus Memorial Criminal Tip-Line Rewards Program For The City of Franklin and Establishing the Tip-Line Fund;					
Supporting documents: All supporting documents should be submitted with the request form.					
1. Ordinance Establishing the Blake Dickus Memorial Criminal Tip-Line Rewards Program For The City of Franklin and Establishing the Tip-Line Fund;					

**ORDINANCE NUMBER 13-08
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE ESTABLISHING THE BLAKE DICKUS MEMORIAL CRIMINAL
TIP-LINE REWARDS PROGRAM FOR THE CITY OF FRANKLIN AND
ESTABLISHING THE TIP-LINE FUND**

WHEREAS, the City of Franklin by order of the State Board of Accounts must establish programs that involved expenditures of public funds by Council approval; and

WHEREAS, the policy of the Franklin Police Department is to utilize all possible means in its effort to apprehend and help prosecute criminal offenders; and

WHEREAS, the City of Franklin wishes to establish a Criminal Tip-Line Rewards Program named in honor of Murder Victim Blake Dickus; and,

WHEREAS, initial funding for this program, which has been identified as an eligible expense, will be deposited into a separate fund account from the Rainy Day fund in the amount of \$25,000; and,

WHEREAS, additional funding for this program, which has been identified as an eligible expense, will be deposited into the same separate fund account received from any public or private donations specifically for the purpose of criminal tip-line rewards; and,

WHEREAS, monetary rewards will be offered to persons who provide information that leads to the arrest and conviction of suspected criminals in cases which meet the eligible criteria and are authorized and approved by the Common Council of the City of Franklin; and

WHEREAS, Clerk-Treasurer of the City of Franklin, Indiana has determined that the City does not have an existing appropriate fund account to administer monies allocated and received for the administration of the Blake Dickus Memorial Criminal Tip-Line Rewards Program for the City of Franklin and said official recommends that the Common Council authorize and create a new fund account to be referred to as the "Blake Dickus Memorial Criminal Tip-Line Fund".

NOW THEREFORE, the Common Council of the City of Franklin, Indiana, ordains and enacts the following:

1. **Definitions:** For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **Tipline.** A specifically designated phone line established and administered by the City of Franklin Police Department wherein individuals may call and provide information regarding unsolved crimes. The phone line shall be a stand-alone line that does not provide caller ID and conversations will not be recorded to encourage callers to provide information to law enforcement. At the discretion of the Chief of Police, the Franklin Police Department may also establish and administer a secure online WebTip process to receive and/or process tips online. The Chief of Police or a designee may establish protocol by which information may be anonymously provided to law enforcement through the use of the tip-line, however, tipsters must be able to provide all identifying information and follow all protocol to claim any reward.
 - b. **Immediate Family Members.** For purposes of this Ordinance, immediate family members shall be defined as a spouse, parent, step-parent, child (natural or adopted), stepchild, brother, half-brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in law.
 - c. **Reward Eligible Crimes.** For purposes of this Ordinance, reward eligible crimes must be Felony crimes as defined by Indiana State statute and be crimes against person. A reward eligible crime must be an unsolved crime occurring within the City of Franklin Police jurisdiction and be designated as a reward eligible crime by the Franklin Chief of Police with consent of the Mayor.
 - d. **Reward Eligible Tip.** For purposes of this Ordinance, a reward eligible tip must be information provided by a reward eligible person that is provided directly to the City of Franklin Police Department through the tip-line process or other means and which is not already known to law enforcement. The reward eligible tip must lead directly to the arrest and conviction of the person or persons responsible for the reward eligible crime.
 - e. **Reward Eligible Person(s).** A reward eligible person is a person who provides reward eligible tip(s) information directly to a law enforcement agency that results in the arrest and conviction of the person or persons responsible for the reward eligible crimes and is not an immediate family member of a police or law enforcement officer. Notwithstanding any other provision of this Ordinance to the contrary, a person directly or complicity involved in a reward eligible crime, shall not be an eligible recipient of a reward.
2. **The Blake Dickus Memorial Criminal Tip-Line Rewards Program.** The Blake Dickus Memorial Criminal Tip-Line Rewards Program is hereby established providing that, subject to the provisions of this Ordinance, cash rewards may be paid to eligible

persons who assist law enforcement in the arrest and conviction of the person or persons responsible for certain unsolved crimes in the City of Franklin, as identified herein.

3. **Funding.** The initial funding of the Blake Dickus Memorial Criminal Tip-Line Fund shall be made through the deposit of twenty-five thousand dollars (\$25,000.00) into a separate fund account from the City of Franklin's Rainy Day Fund. Public or private donations may also be made to this separate fund account which will be managed, reported and accounted for by the City of Franklin Clerk Treasurer and reported in the City of Franklin's annual budget subject to the Board of Accounts review. No payments from said fund shall be made until and unless approved by the City of Franklin Common Council at a public meeting properly called and noticed as required by IC 5-14-1.5 (Indiana Open Door Law). Subsequent funding of the rewards program may be made by the Common Council through the budgetary process or through additional appropriation as permitted by law.
4. **Reward Amounts.** A reward eligible person who provides reward eligible information regarding eligible crimes, may receive cash rewards ranging from one hundred dollars (\$100.00) to twenty-five thousand dollars (\$25,000.00) as determined by the City Council in accordance with this Ordinance.
5. **Determination of Reward Status.** The Franklin Chief of Police, with the consent of the Mayor, shall determine, what crimes, if any, are eligible for reward status in accordance with this Ordinance. Only those crimes so designated by the Chief of Police **and** meeting the eligibility requirements of this Ordinance shall provide for cash rewards. Should the Franklin Police Chief determine that a person is a reward eligible person and the information provided to law enforcement is reward eligible, the Chief shall request the Common Council to consider the approval of the reward payment at a public meeting called in accordance with I.C. 5-14-1.5.

Additionally, the Franklin Police Chief may request the Common Council to determine, at a public meeting and through resolution that a specific reward amount be set for an eligible crime without first receiving a reward eligible tip. However, in no event shall a reward be authorized and/or paid to a reward eligible person without first making a determination as required by paragraph 6 herein.

6. **Reward Hearing and Determination.** Upon receipt of a request by the Franklin Chief of Police and Mayor as provided in paragraph 5 above, the Council shall conduct a public hearing in accordance with I.C. 5-14-1.5. At the public hearing, the Council shall determine the following:
 - a. Whether the crime is eligible for the reward program.
 - b. Whether the person recommended for the reward is reward eligible.
 - c. The amount, if any, of the reward.
 - d. The time of payment of the reward.

At said public hearing, the Common Council may consider input from the Chief of Police and members of the public but the determination of the amount, if any, of the reward, shall be at the sole and absolute discretion of the Council.

7. **Record and Time for Claiming.** The Clerk Treasurer of the City of Franklin shall keep record of all rewards requested and rewards paid from the fund. Said records shall be public records as defined by law. Persons claiming and accepting the reward must provide certain identifying information for public reporting requirements. Persons eligible to receive the reward must claim the reward within six (6) months of the determination by the Common Council of reward eligibility or the reward is forfeited.

BE IT FURTHER RESOLVED that a new fund account, to be referred to as the “Blake Dickus Memorial Criminal Tip-Line Fund”, and which shall be given a number or letter designation by the Clerk as she deems appropriate, is created for use by the City. The Fund will segregate and account for allocations and contributions made by the City of Franklin and donors for the administration of the criminal tip-line and payment of rewards as authorized by this Ordinance. Accounts maintained in the Fund are to be segregated according to the requirements of this Ordinance. The Fund is non-reverting, i.e., balances will not be transferred into other funds, such as the General Fund, LRS or MVH, and all monies deposited in the Fund may only be used for the purposes authorized by this Ordinance. Rewards from the Fund will be administered by the Common Council of the City of Franklin and administration costs for the operation of the criminal tip-line will be administered by the Chief of Police of the City of Franklin.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Franklin, Indiana is hereby authorized to transfer \$25,000.00 from the Rainy Day fund to the new Blake Dickus Memorial Criminal Tip-Line Fund. The Clerk-Treasurer shall also deposit all donations made to the Blake Dickus Memorial Criminal Tip-Line Fund into the same account.

BE IT FURTHER RESOLVED that the Blake Dickus Memorial Criminal Tip-Line Fund is hereby established and shall hereafter be administered in accordance with provisions set forth in this Ordinance.

Introduced and Filed on the _____ day of _____, 20____. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of _____ in Favor and _____ Opposed, pursuant to Indiana Code § 36-4-6-13].

DULY PASSED on this _____ day of _____, 20____ by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote _____ in Favor and _____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Steve Barnett, President

Kenneth Austin, Vice President

Joseph R. Ault, Member

Joseph P. Abban, Austin, Member

Robert Henderson, Member

Stephen Houghland, Member

Richard Wertz, Member

Voting Opposed:

Steve Barnett, President

Kenneth Austin, Vice President

Joseph R. Ault, Member

Joseph P. Abban, Member

Robert Henderson, Member

Stephen Houghland, Member

Richard Wertz, Member

Attest:

Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to
Indiana § 36-4-6-15, 16 this _____ day of _____, 20____ at _____
o'clock _____ .M.

Janet P. Alexander
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this _____ day of _____, 20_____ at _____ o'clock _____M.

Joseph E. McGuinness, Mayor

Attest:

Janet P. Alexander,
City Clerk Treasurer

Prepared by:

Lynnette Gray
Attorney No.: 11567-41
JOHNSON GRAY & MacABEE
63 E. Court Street
P.O. Box 160
Franklin, IN 46131
Ph.: (317) 738-3365
Fax: (317) 738-3862