

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: April 17, 2007

STAFF: Tom McLellan

SUBJECT

First Reading of Ordinance No. 052, 2007, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

RECOMMENDATION

Staff and the Forfeiture Committee recommend adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

This Ordinance appropriates \$28,040 into the Fort Collins Police Services budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2006 and previous years as well as pro-rata distributions from the Larimer County Drug Task and federal government seizure actions. These funds are held in a General Fund restricted reserve account awaiting appropriation.

The funds will be used by Fort Collins Police Services to purchase new equipment and training as well as fund partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

EXECUTIVE SUMMARY

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions be used for law enforcement purposes and that the governing body of the seizing agency appropriates these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds

to the general fund of the State of Colorado. Colorado state law also authorizes the creation of a Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police.

The local Forfeiture Committee met on March 19, 2007 and approved the 2007 Seizure Fund Budget.

ATTACHMENTS

1. 2006 Annual Seizure Fund Report.

Vendor/Reference	Budgeted	Expended
527400 Training/Education		
Youth Police Academy	1,500.00	1,526.67
Explorer Scout Conference	1,500.00	1,500.00
D.A. Training	1,500.00	-
Total	\$ 4,500.00	\$ 3,026.67
529290 Other Contractual		
2007 Drug Free Calendar	1,500.00	271.58
Poudre R-1 After Prom Party Sponsorship	1,000.00	1,000.00
Larimer County Child Advocacy Center	2,000.00	2,000.00
Request from Mayor	500.00	-
Other Charitable Organizations	1,500.00	500.00
Total	\$ 6,500.00	\$ 3,771.58
539320 Other Commodities		
Police Partnership Grant Funds	1,000.00	-
Total	\$ 1,000.00	\$ -
544520 Other Capital		
2007 Carry-Over	9,069.00	-
Total	9,069.00	-
Total Capital	\$ 9,069.00	\$ -
Grand Total	\$ 21,069.00	\$ 6,798.25
2006 Remaining Balance for 2007 Use		\$ 14,270.75
Larimer County Drug Task Force 2006 Income		\$ 13,770.00
Total 2007 Available Balance		\$ 28,040.75

ORDINANCE NO. 052, 2007
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES
IN THE GENERAL FUND FOR POLICE SEIZURE ACTIVITY

WHEREAS, Fort Collins Police Services, in accordance with state law, has seized illegal contraband from individuals engaged in criminal activities through the use of civil forfeiture proceedings; and

WHEREAS, funds from police seizure activities in 2006 and prior years, in the amount of \$28,040 are in a restricted reserve account in the General Fund for such funds; and

WHEREAS, police seizure funds, pursuant to state statute, are to be expended for law enforcement purposes other than those constituting ongoing operating expenses of Police Services; and

WHEREAS, some of the funds will be used by Police Services for special purchases of training, services, and commodities to enhance the quality of customer service, and some of the funds will be used in partnership with a variety of community groups to fund prevention programs for youth, anti-violence, and diversity issues; and

WHEREAS, the local Forfeiture Committee, consisting of the Mayor, District Attorney and Chief of Police, or their designees, approved the 2007 seizure budget on March 19, 2007; and

WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated for expenditure from prior year reserves in the General Fund the total sum of TWENTY EIGHT THOUSAND FORTY DOLLARS (\$28,040) for Fort Collins Police Services' expenditures which are consistent with its functions and duties, but distinct from its normal operating needs, as shown on Exhibit "A", attached hereto; provided, however, that the Chief of Police is hereby authorized to change the amounts allocated to any of the individual recipients or purposes shown on Exhibit "A", within the total amount appropriated.

Introduced, considered favorably on first reading, and ordered published this 17th day of April, A.D. 2007, and to be presented for final passage on the 1st day of May, A.D. 2007.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 1st day of May, A.D. 2007.

Mayor

ATTEST:

City Clerk

2007 Proposed Budget

EXHIBIT "A"

PROGRAM: Police Seizure Fund	
Chart of Accounts	2007
Contractual	Proposed Budget
527400 Training/Education	
Youth Police Academy	3,000
Explorer Scout Conference	4,500
D.A. Training	1,500
Subtotal	9,000
529290 Other Contractual	
2007 Drug Free Calendar (billed to FCPS after year end)	894
2008 Drug Free Calendar	2,500
Team Fort Collins - Red Ribbon Week (DA Request)	500
Victim Assistance Emergency Fund (DA Request)	200
Ballistic Vests (DA Request)	450
PSD After Prom Sponsorship	1,200
Larimer County Child Advocacy Center	2,000
Request from Mayor	500
Other Charitable Organizations	1,500
(Food Bank of Larimer County \$250)	
Subtotal	9,744
Total Contractual Services	18,744
Commodities	
539320 Other Commodities	
<i>Police Partnership Grants</i>	<i>1,000</i>
Subtotal	1,000
Total Commodities	1,000
Total Proposed Budget	19,744
Capital (Savings)	
544520 Other Capital	
2008 Carry-over (Future Needs)	8,296
Total	8,296
GRAND TOTAL	28,040