

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 7

DATE: June 3, 2008

STAFF: Tom McLellan

SUBJECT

Second Reading of Ordinance No. 051, 2008, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 20, 2008, appropriates funds to be used by Police Services to purchase new equipment and pay for training as well as to fund partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities. It also appropriates funds from the Larimer County Drug Task Force Reserve to be used to purchase equipment and attend training specifically designed to obtain information from cell phones during the course of drug/non-drug investigations.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - May 20, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: May 20, 2008

STAFF: Tom McLellan

COPY

SUBJECT

First Reading of Ordinance No. 051, 2008, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

This Ordinance appropriates \$8,535 into the Police Services budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2007 and previous years as well as pro-rata distributions from the Larimer County Drug Task Force and federal government seizure actions. These funds are held in a General Fund restricted reserve account awaiting appropriation.

\$22,050 of these funds will be used by Police Services to purchase new equipment and pay for training as well as to fund partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities. These purchases and contributions are made to promote public safety. The remainder of the fund (\$42,614) will be held for subsequent year distributions for these same purposes.

This Ordinance also appropriates \$16,485 from the another General Fund restricted reserve account. This money will be used to purchase equipment and attend training specifically designed to obtain information from cell phones during the course of drug/non-drug investigations.

EXECUTIVE SUMMARY

This Ordinance appropriates funds to be used by Police Services to purchase new equipment and pay for training as well as to fund partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities. It also appropriates funds from the Larimer County Drug Task Force Reserve to be used to purchase equipment and attend training specifically designed to obtain information from cell phones during the course of drug/non-drug investigations.

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BACKGROUND

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 are to 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 the 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 24, 2008 and approved the 2008 Seizure Fund Budget. The 2007 Annual Seizure Fund Report outlines the sources of seizure funds and the expenditures for 2007.

The Executive Officer Board of the Larimer County Drug Task Force is authorized under Colorado law to approve seizure expenditures awarded to the LCDTF prior to being distributed to member agencies as per IGA agreement. The Executive Officer Board approved the expenditure of \$16,485 from the Larimer County Drug Task Force Reserve during its quarterly meeting on January 10, 2008.

ATTACHMENTS

1. 2008 Seizure Fund Budget
2. 2007 Annual Seizure Fund Report.

ORDINANCE NO. 051, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND
FROM POLICE SEIZURE ACTIVITIES FOR POLICE SERVICES

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 Larimer County Drug Task Force seizure activities in 2007 and prior years in the amount of \$22,050 are in the Fort Collins Police Services Seizure reserve account in the General Fund for such funds; and

WHEREAS, funds from Larimer County Drug Task Force seizure activities in 2007 and prior years in the amount of \$16,485 are in the Drug Task Force Reserves 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, the funds from the Fort Collins Police Services Seizure reserve account will be used by Fort Collins Police Services to purchase special training, services, and commodities to enhance the quality of customer service, as well as 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 2008 seizure budget on March 24, 2008; and

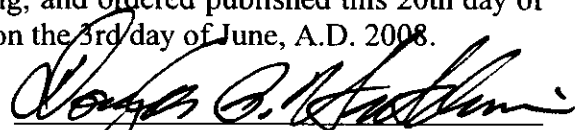
WHEREAS, the funds from the Drug Task Force Reserves account will be used by Fort Collins Police Services to purchase equipment and attend training specifically designed to obtain information from cell phones during the course of drug/non-drug investigations; and

WHEREAS, the Executive Officer Board of the Larimer County Drug Task Force approved the expenditure of \$16,485 for special training regarding cell phones at their quarterly meeting on January 10, 2008; 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 THIRTY EIGHT THOUSAND FIVE HUNDRED THIRTY FIVE DOLLARS (\$38,535) for Fort Collins Police Services' expenditures which are consistent with its functions and duties.

Introduced, considered favorably on first reading, and ordered published this 20th day of May, A.D. 2008, and to be presented for final passage on the 3rd day of June, A.D. 2008.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 3rd day of June, A.D. 2008.

Mayor

ATTEST:

City Clerk