

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: April 19, 2005

STAFF: Don Vagge

SUBJECT

First Reading of Ordinance No. 040, 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 \$36,992 into the Police Services budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2004 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.

The funds will be used by Police Services to purchase new equipment and to fund training as well as 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 in Larimer County that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and in Larimer County 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 10, 2005 and approved the 2005 Seizure Fund Budget which is attached to the Ordinance as Exhibit "A."

ATTACHMENTS

1. 2004 Annual Seizure Fund Report

MEMORANDUM

February 18, 2005

To: Dennis Harrison, Chief, Fort Collins Police Services
Donald Vagge, Captain, Fort Collins Police Services
Edna Hoernicke, Chief Accountant, City of Fort Collins

From: Tricia Davis, Financial Coordinator, Fort Collins Police Services

Re: Summary of Fort Collins Police Services Seizure Activities During the Year 2004.

SUMMARY OF SEIZURE ACTIVITIES.

Seizures Initiated This Year:

During 2004 Fort Collins Police Services initiated no seizure actions independent of the Larimer County Drug Task Force.

Local Funds Received From State Awards:

\$433.57

Federal Funds Received:

\$11,311.13

2004 Income Summary for the Fort Collins Police Services Seizure Account:

Total Income

\$ 11,744.70

SUMMARY OF EXPENDITURES:

During 2004 the following expenditures were made from the Fort Collins Police Services seizure account.

<u>Vendor/Reference</u>	<u>Balance Forward</u>	<u>Expense</u>
Original Budget Amount	\$46,909.00	
Police Partnership Grant Funds:		
Cinco De Mayo Planning Committee		\$500.00
CSU Hispanic Latino Leadership Institute		\$150.00
CSU El Centro Math, Science, Technology Day		\$150.00
Blevins Junior High, Phoenix Garage		\$500.00
CSU Party Partner Video Project		\$300.00
Journey Young Women's Conference		\$1,000.00
TOTAL		\$2,600.00
Office of the District Attorney, NDAA Training		\$1,087.17
Boy Scouts of America, Ft. Collins Leadership Breakfast		\$500.00
Citizen Printing, Drug Free Calendars		\$1,220.00
RMHS, PHS, and FCHS, After Prom Party Sponsorship		\$450.00
Office of the District Attorney, Calendar Contest Prizes		\$780.00
Larimer County Child Advocacy Center, 2004 Contribution		\$1,500.00
TEAM Fort Collins, Lamplighter Award Luncheon for Stuart VanMeveren		\$175.00
Sombrero Ranches, LRVR Horse Rental for 2003 and 2004		\$3,600.00
Boys & Girls Club, A Bit of A Bash		\$400.00
Health District of Larimer County, D.A.'s contribution		\$250.00
Youth Police Academy		\$2,599.52
Davidson's West, 4 H7K G36 SWAT Rifle's		\$6,000.00
Majestic West, LRVR Hats		\$500.00
		\$21,661.69
Totals:		
End of Year Balance	\$25,247.31	

Total available funding for CY 2005 and beyond totals \$36,992.01.

ORDINANCE NO. 040, 2005
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 ("FCPS"), in accordance with state law, has seized illegal contraband used in or gained from criminal activities through civil asset seizure and forfeiture proceedings; and

WHEREAS, funds from police seizure activities in 2004 and prior years, in the amount of \$36,992, are in a restricted reserve account in the General Fund; 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 FCPS; and

WHEREAS, the funds will be used by FCPS 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; and

WHEREAS, the local Forfeiture Committee, consisting of the Mayor, District Attorney and Chief of Police, or their designees, have approved the 2005 Police Seizure Fund Budget; 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-SIX THOUSAND NINE HUNDRED NINETY-TWO DOLLARS (\$36,992) 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 herein.

Introduced and considered favorably on first reading and ordered published this 19th day of April, A.D. 2005, and to be presented for final passage on the 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk

2005 Proposed Budget

EXHIBIT "A"

PROGRAM: Police Seizure Fund	
Chart of Accounts	2005 Proposed Budget
Contractual	
527400 Training/Education	
Youth Police Academy	3,000
Neighborhoods United Donation	500
Explorer Scout Conference	6,000
National District Attorney's Conference	2,500
Total	12,000
529290 Other Contractual	
2005 Drug Free Calendar	2,500
Larimer County Child Advocacy Center	2,000
Other Charitable Organizations	3,000
Total	7,500
Total Contractual Services	19,500
Commodities	
539320 Other Commodities	
Police Partnership Grants	2,500
Total	2,500
Total Commodities	2,500
Total Proposed Budget	22,000
Capital (Savings)	
544520 Other Capital	
2006 Carry-over (Future Needs)	14,992
Total	14,992
GRAND TOTAL	36,992