

RESOLUTION NO. 2015-15

A RESOLUTION AUTHORIZING ESTABLISHMENT OF A NON-REVERTING FUND FOR "INTERDICTION" AND AUTHORIZING CERTAIN EXPENDITURES FOR THE LEBANON POLICE DEPARTMENT IN THE CITY OF LEBANON, INDIANA

WHEREAS, the City of Lebanon, Boone County, Indiana, ("City") by and through its Common Council, may establish certain non-reverting funds and authorize expenditures from those funds, pursuant to Indiana law; and

WHEREAS, the Lebanon Police Department ("LPD") has become a Participating Agency with the United States Department of Justice ("DOJ") in an asset forfeiture program, wherein LPD cooperates with the DOJ in the investigation and seizure of assets related to criminal activity as provided for under federal and state law; and

WHEREAS, As a Participating Agency, LPD may receive money, vehicles, assets or other items of value (hereinafter "Assets") which have been seized and forfeited by LPD and the DOJ, which Assets are the proceeds or instrumentalities of criminal activity; and

WHEREAS, the DOJ Guidelines, federal and state law provide for the Participating Agency to establish a non-reverting fund for the receipt of Assets after seizure and forfeiture; and

WHEREAS, DOJ guidelines and Indiana law provide the Assets may be utilized by LPD for expenses and expenditures related to the operation of LPD including, law enforcement investigation, law enforcement training, purchase of equipment, training and community based education as well as other expenditures and expenses as set forth in federal law and DOJ guidelines; and

WHEREAS, LPD may receive funds from other law enforcement agencies or individuals to provide training and education in interdiction, detection, and other law enforcement areas consistent with the DOJ Interdiction Program; and

WHEREAS, It is in the best interests of the citizens of Lebanon to establish a non-reverting fund entitled "Non-Reverting Interdiction Fund" to receive Assets from the DOJ and other money or items value such that LPD may use the funds for expenses as permitted by DOJ Guidelines and federal law.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Lebanon, Boone County, Indiana that:

1. The Lebanon Clerk-Treasurer shall establish the fund entitled the "Interdiction Non-Reverting" Fund ("Fund").
2. All money, equipment or other items of value ("Assets") received from the United States Department of Justice ("DOJ") as proceeds from a seizure and forfeiture in cooperation with the Lebanon Police department ("LPD") shall be deposited in the Fund along with other fees, donations or items of value received from other law enforcement agencies or individuals for training and education in interdiction, detection and other law enforcement activities.
3. The Fund shall maintain its balance from year to year and it shall not revert to the General Fund or any other fund.
4. The Fund may only be accessed to pay for expenses as permitted and provided for under federal law and DOJ guidelines, and in accordance with state law.
5. Claims from this Fund shall only be disbursed upon request of the Police Chief or Deputy Police Chief of the City of Lebanon, or their designee.
6. If any provision of this Resolution is deemed by a Court of competent jurisdiction to be invalid, the remaining provisions of this Resolution shall remain valid.
7. This Resolution shall become effective upon adoption.

Resolved this 8th day of June, 2015.

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THE COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

ABSENT
Harold "Huck" Lewis, Mayor

Keith Campbell
Keith Campbell

ABSENT
John Copeland

ABSENT
Mike Kincaid

Lana Kruse
Lana Kruse

Jeremy Lamar
Jeremy Lamar

Steve Large
Steve Large

Preston Myers
Preston Myers

ATTEST:

Tonya Thayer
Tonya Thayer
Clerk-Treasurer