

ORDINANCE 28, 2008

**AN ORDINANCE ESTABLISHING A LOCAL FORFEITURE AND SEIZED ASSETS  
FUND, ALL PURSUANT TO I.C. 36-1-3 AND I.C. 34-4 ET SEQ.**

**WHEREAS**, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS**, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS**, the City of Valparaiso, through its Police Department, participates from time to time in multi-agency, multi-jurisdictional law enforcement activities in addition to its own agency based law enforcement activities;

**WHEREAS**, in the course of this participation or local activity, certain assets believed to be employed in or derived from unlawful enterprise or criminal activity are recovered or confiscated and seized pursuant to laws of the United States and or the State of Indiana;

**WHEREAS**, United States Justice Department and other Federal guidelines provide that the forfeiture of certain assets believed to be employed in or derived from unlawful enterprise or criminal activity which are recovered or confiscated and seized pursuant to laws of the United States must be accounted for in a dedicated fund established separate and apart from any other forfeiture assets derived pursuant to the laws of the State of Indiana; and

**WHEREAS**, I.C. 34-4-30.1 et seq., I.C. 34-4-30.5 et seq. as well as I.C. 36-8-6-4 provide guidance regarding the disposition of certain forfeited assets believed to be employed in or derived from unlawful enterprise or criminal activity which are recovered or confiscated and seized pursuant to laws of the State of Indiana;

**WHEREAS**, the City of Valparaiso, through its Town Council now desires to properly constitute the appropriate fund or funds in support of advancing the proper public accounting and stewardship of these assets;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the City Council of the City of Valparaiso, Indiana, as follows:

**Section 1.** That the special revenue fund is hereby established as a dedicated fund to be known as the **Forfeiture and Seized Assets Fund**;

**Section 2.** That the fund is dedicated and established to provide funds for law enforcement programs of the municipality that are undertaken in support of and pursuant to the laws of the United States and the guidelines of United States Justice Department, and the State of Indiana regarding the disposition of seized assets and forfeiture associated with multi-agency Federal, State and local cooperative criminal investigations.

**Section 3.** That expenditures from this fund shall be for the purposes and in support of the purposes set forth in section two of this ordinance according to Laws of the United States and the State of Indiana and according to guidelines set forth by United States Attorney General and the United States Department of Justice;

(a) That the establishment nor the purposes of this fund shall not be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds for the same or similar purposes;

**Section 4.** That the sources of money for the fund are the following:

(a) Gifts, and donations from any person to the fund;

(b) Money derived from seized and forfeited assets or the proceeds from the sale of seized and forfeited assets not otherwise covered by laws of the United States, or its executive departments, nor covered by I. C. 34-4-30.1 et seq. or I. C. 34-4-30.5 et seq.;

(c) That pursuant to Indiana Code Title 5, Article 13, Chapter 9, monies in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited with the fund;

(d) Money derived from Indiana court orders, entered agreements and or judgements, associated with a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I. C. 34-4-30.1 et seq. or I. C. 34-4-30.5 et seq.;

**Section 5** That expenditures from the Fund may be made from the proper category of expense only after an appropriation has been made in the manner provided by statute for making other appropriations and shall be disbursed only on approved claims allowed by the Board of Public Works & Safety pursuant to IC 5-11-10 and IC 36-5-4;

**Section. 6** That all unused and unencumbered monies do not revert to any fund but the fund created by this ordinance;

**Section 7.** That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this enactment;

This ordinance shall take effect immediately after passage.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting, this 28<sup>th</sup> day of July, 2008.

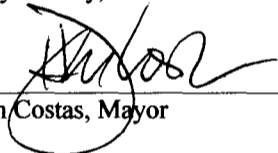
  
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Jon Costas, Mayor

ATTEST  
  
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Sharon E. Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28<sup>th</sup> of July, 2008 at the hour of 7:30 o'clock P.M.

  
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Sharon E. Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 28<sup>th</sup> day of July, 2008 at the hour of 7:30 o'clock P. M.

  
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Jon Costas, Mayor