

ORDINANCE NO. 040-13

AN ORDINANCE AMENDING ORDINANCE NO. 141-95 THAT ESTABLISHED A LAW ENFORCEMENT TRUST FUND FOR THE NAPOLEON CITY POLICE DEPARTMENT: ALSO ESTABLISHING OR REESTABLISHING A LAW ENFORCEMENT DRUG FUND

WHEREAS, ~~Section 2933.43 ORC authorizes a law enforcement trust fund to be established in a municipal corporation for its police department so that proceeds from certain forfeited property and certain forfeited money can be deposited and used to pay for the cost of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, to be used in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, or for such other law enforcement purpose determined to be appropriate by council;~~ SECTION 2981.13(C)(1) OF THE OHIO REVISED CODE PROVIDES FOR THE ESTABLISHMENT OF A "LAW ENFORCEMENT TRUST FUND", TO BE ESTABLISHED BY THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION THAT INTENDS TO RECEIVE ITS SHARE OF MONIES AS A RESULT OF THE CONTRABAND OR INSTRUMENTALITY FORFEITURE BEING SOLD UNDER CHAPTER 2981 AND/OR AS A RESULT OF ANY PROCEEDS FORFEITED UNDER SAID CHAPTER; and,

WHEREAS, THERE HAS BEEN ESTABLISHED ANOTHER LAW ENFORCEMENT FUND RELATED TO CHAPTER 2925 (DRUG ENFORCEMENT FUND); AND,

WHEREAS, ~~an internal policy has~~ POLICIES have been developed for the use of such funds by the Napoleon City Police Department as required by law; *NOW THEREFORE,*

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, there is hereby established *AND/OR RE-ESTABLISHED* a "Law Enforcement Trust Fund" for the Napoleon City Police Department, to be set up by the Finance Director and to be used for the following purposes; (1) to pay for the cost of protracted or complex investigations or prosecutions; (2) to provide reasonable technical training or expertise; (3) to provide matching funds to obtain federal grants to aid law enforcement, to be used in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse; (4) *TO PAY THE COSTS OF EMERGENCY ACTION TAKEN UNDER SECTION 3745.13 OF THE OHIO REVISED CODE RELATIVE TO THE OPERATION OF AN ILLEGAL METHAMPHETAMINE LABORATORY IF THE FORFEITED PROPERTY OR MONEY INVOLVED WAS THAT OF A PERSON RESPONSIBLE FOR THE OPERATION OF THE LABORATORY;* or, (5) for such other law enforcement purpose determined to be appropriate by council.

Section 2. *THAT, THERE IS HEREBY ESTABLISHED AND/OR RE-ESTABLISHED A "DRUG ENFORCEMENT FUND" FOR THE NAPOLEON CITY POLICE DEPARTMENT, FOR FUNDS COLLECTED UNDER THE PROVISIONS OF CHAPTER 2925 OF THE OHIO REVISED CODE, TO BE SET UP BY THE FINANCE*

**DIRECTOR AND TO BE USED FOR THE FOLLOWING PURPOSE: TO SUBSIDIZE THE POLICE DEPARTMENT'S EFFORTS THAT PERTAIN TO DRUG OFFENSES IN ACCORDANCE WITH THE WRITTEN INTERNAL CONTROL POLICY AS ADOPTED BY THE POLICE DEPARTMENT AND FOR OTHER LAWFUL MEANS AS MAY BE ESTABLISHED FROM TIME TO TIME.**

Section ~~2~~ 3. That, the Police Department shall cause to be filed a reportS with ~~Council~~ **THE OHIO ATTORNEY GENERAL**, no later than the ~~3-IST~~ day of ~~January~~ **MARCH** of each calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by law and specifying the amounts expended for each authorized purpose, **TO THE EXTENT REQUIRED BY LAW**; further, that the written internal ~~policy~~ **POLICIES** of the Police Department shall continue to conform with the requirements of ~~Section 2933.43 of the ORC OHIO LAW~~ as may be amended from time to time.

**SECTION 4. THAT, THE FINANCE DIRECTOR IS AUTHORIZED TO CREATE ANY OTHER LAW ENFORCEMENT FUND DEEMED APPROPRIATE AND AS PERMITTED BY LAW.**

Section ~~3~~ 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the City's Revised Code of General Ordinances.

Section ~~4~~ 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section ~~5-7~~. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Section 8. That, Ordinance No. 141-95 as previously existed prior to the adoption of this Ordinance is hereby repealed.

Passed: August 5, 2013

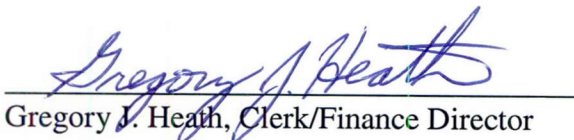
  
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John A. Helberg, Council President

Approved: August 5, 2013

  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 040-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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Gregory J. Heath, Clerk/Finance Director