

**ORDINANCE NO. 2020 - 07**

**An Ordinance to Amend the City of Hobart Municipal Code concerning Seizure Funds**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") established under Ordinance 92-22 a Municipal Property Seizure Fund, a non-reverting fund under IC 34-4-30.1-1 on August 5, 1992, memorialized in the Hobart Municipal Code §32.26; and

WHEREAS, the Council has taken notice as part of the 2018 Federal Audit conducted for the City of Hobart of the need to implement an effective system of internal controls to ensure compliance with Equitable Sharing Federal Grant award and in compliance with Federal statutes, regulations and terms and conditions of the Federal Award; and

WHEREAS, the Council has been advised that the Police Department and the Clerk-Treasurer's office, in consultation with the State Board of Accounts auditors and the U.S. Department of Justice Office Audit and Review Division, created a separate fund for Department of Justice funds in April 2019 and separated the Department of Justice Funds from those received from the Department of the Treasury and continues to keep these funds separated and not co-mingled in accordance with the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* and in accordance with the established internal controls policies of the City; and

WHEREAS, the Council now desires to amend the Hobart Municipal Code to formally memorialize the existence and separate use and reporting of each type of seizure fund;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana as follows:

*SECTION ONE:* The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended in Chapter 32 entitled "*FUNDS AND OTHER FINANCES*" by striking out the language contained in §32.26 entitled "MUNICIPAL PROPERTY SEIZURE FUND" in its entirety and inserting in lieu thereof the following new section title and language as §32.26:

**§ 32.26. SEIZURE FUNDS.**

(A) Police Seizure Fund.

(1) A non-reverting fund known as the Police Seizure Fund is established in the municipality's Treasury.

(2) Money and property from state and local forfeitures, joint law enforcement operations funds and any other sources, not including the federal equitable sharing funds, shall be deposited pursuant to state law to this non-reverting fund within the municipalities Treasury.

(3) All money and property deposited in the Police Seizure Fund may be used to pay any expense for those public safety-related purposes authorized by law including, but not limited to, money to provide for and defray expenses of the Hobart Police Department associated with the cost of action in seizing property as authorized by the Chief of Police or his designee and approved by the governing body in accordance with the internal controls policies of the City.

(B) Seizures Department of Justice/Federal Fund.

(1) A non-reverting fund known as the Seizures Department of Justice/Federal Fund is established in the municipality's Treasury.

(2) Money and property from the federal equitable sharing funds, shall be deposited pursuant to the grant agreement in accordance with the *Guide to Equitable sharing for State, Local, and Tribal Law Enforcement Agencies* to this non-reverting fund within the municipality's Treasury and shall not be commingled with other funds.

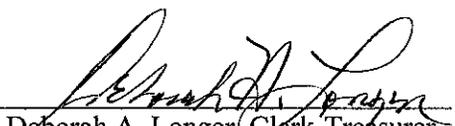
(3) All money deposited into the Seizures Department of Justice/Federal Fund shall be used to pay any expense for those public safety-related purposes authorized pursuant to the grant agreement in accordance with the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* and as authorized by the Chief of Police or his designee and approved by the governing body in accordance with the internal controls policies of the City.

SECTION TWO: This ordinance shall become effective upon its adoption in the manner required by law.

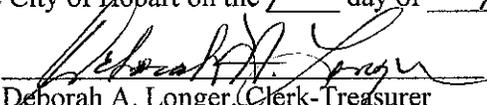
SECTION THREE: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 13<sup>th</sup> day of July, 2020.

  
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Presiding Officer

ATTEST:   
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 13<sup>th</sup> day of July, 2020 at the hour of 6:45pm.

  
Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 13<sup>th</sup> day of July, 2020.

  
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Brian K. Snedecor, Mayor

ATTEST:   
Deborah A. Longer, Clerk-Treasurer