THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: August 23, 2022

Subject: Budget amendment to establish a budget for the Asheville Police Department's State and Federal Forfeiture funds already received by the City.

Staff Resource(s): Tony McDowell, Finance Department
Elise Lewis, Police Department

Action Requested: Adoption of a budget amendment in the amount of $419,214.47 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

Background:

- The Asset Forfeiture Program is an equitable sharing program which divides the illegal proceeds from criminal activities between the state and federal governments and local law enforcement agencies.
- It is designed to help off-set the considerable cost of drug enforcement, and other applicable joint investigations by allowing local law enforcement agencies to use seized monies for equipment, training, and improvements that might not necessarily be budgeted for by the agency.
- Shared funds must be used to increase or supplement the resources of the receiving state or local law enforcement agency.
- Shared funds shall not be used to replace or supplant the appropriated resources of the recipient.
- The recipient agency must benefit directly from the sharing and the shared funds must increase the entire law enforcement budget.
- Permissible uses of Forfeiture funds include law enforcement operations and investigations, law enforcement training and education, law enforcement equipment and law enforcement travel.
- Impermissible uses include endowments or scholarships, personal or political use of funds, salaries, bonus, transfers to or purchases for other law enforcement agencies.
- The Police Department has $419,214.47 in shared asset forfeiture funding which has been collected but not added to the budget for use.
- This proposed budget amendment would authorize the use of this funding for a new DNA Analyzer system, replacing an end of life bomb robot, and advanced Forensic training for four Forensic Technicians.
- None of these were budgeted in the Police Department's Fiscal Year (FY) 2023 Operating Budget.
- These are costly items that will help ensure the safety of the community without having a direct impact on taxpayer money.
- The funds are the result of State and Federal seizures received since 2019.
- In order to spend the funds that have been received, a budget amendment is required in the City's Special Revenue Fund.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- Public Safety Committee - August 23, 2022

Pro(s):

- Provides expenditure authorization for funding that has already been received by the Asheville Police Department (APD).

Con(s):

- None.

Fiscal Impact:

- Accepting and allocating these State and Federal Forfeiture Funds is a financial benefit to the City and the Police Department by allowing it to be better equipped and providing additional safety measures to protect the public.
- There is no impact to the General Fund Police Department budget.

Suggested Motion:

- Motion to adopt a budget amendment in the amount of $419,214.47 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

Attachment(s)

- Budget Amendment

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That Section 2 of the City of Asheville Fiscal Year 2022-23 Budget Ordinance be amended to budget $419,214.47 in State and Federal Forfeiture funds already received by the City in the Special Revenue Fund as follows:

SPECIAL REVENUE FUND

Revenues:

Intergovernmental Revenue	$419,214.47
Total Revenues	$419,214.47

Appropriations:

Supplies - Other (P0911)	$360,294.59
Supplies - Other (P0912)	$ 58,919.88
Total Appropriations	$419,214.47

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of August, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney