

** Amended by council - see 8/1/2023 minutes*



ORDINANCE O-86-2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE NECESSARY AMENDMENTS TO CITY CODE SECTIONS 187.03, 187.04, 187.07, AND 187.08 REGARDING THE ESTABLISHMENT OF SPECIAL FUNDS; TO ADOPT AN INTERNAL CONTROL POLICY FOR THE MANDATORY DRUG FINE FUND REQUIRED BY OHIO REVISED CODE SECTION 2925.03(F)(2); AND FOR OTHER PURPOSES ** Amended on the floor*

WHEREAS, the duly elected governing authority of the City of New Albany, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, city code Sections 187.03, 187.04, 187.07, and 187.08 all establish various prescribed funds required by the Ohio Revised Code; and

WHEREAS, various updates to code references and procedures surrounding the creation of such funds have been enacted under the Ohio Revised Code; and

WHEREAS, specifically, as currently enacted, city code section 187.08 authorizes creation of a Mandatory Drug Fine Fund into which shall be deposited proceeds imposed by the Franklin County Municipal Court to be allocated only to the city police department for certain prescribed purposes; and ** And Licking County Municipal Court*

WHEREAS, Ohio Revised Code Section 2925.03(F)(2) now requires law enforcement agencies to adopt a written internal control policy that addresses the police department's use and disposition of all fine moneys so received in the Mandatory Drug Fine Fund; and

WHEREAS, the city wishes to adopt these updates to the appropriate city code sections, as well as promulgate and adopt a written internal control policy for the Mandatory Drug Fine Fund, in order to maintain consistency and compliance with the Ohio Revised Code and to modernize the city code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin, and Licking, State of Ohio, that:

Section 1: Council hereby amends sections 187.03 (Indigent Drivers Alcohol Treatment Fund), 187.04 (Alcohol Education Fund), 187.07 (Law Enforcement Fund), and 187.08 (Mandatory Drug Fine Fund) to read as set forth and marked on Exhibit A, a copy of which is attached hereto and made a part hereof.

Section 2: Pursuant to Ohio Revised Code Section 2925.03(F)(2), and as related to the city's Mandatory Drug Fine Fund set forth in city code Section 187.08, council hereby approves and adopts the New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund as set forth in Exhibit B, a copy of which is attached hereto and made a part hereof.

Section 3: Except as amended herein, all provisions of the City of New Albany Code of Ordinances shall continue to remain in full force and effect.

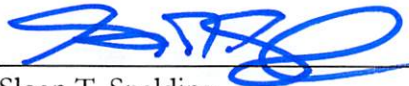
Section 4. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 5. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of council that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 11. Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 01 day of Aug, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	06/27/2023
Introduced:	07/18/2023
Revised:	08/01/2023
Adopted:	08/01/2023
Effective:	08/31/2023

187.03 INDIGENT DRIVERS ALCOHOL TREATMENT FUND.

In accordance with ORC 4511.191, ~~There is hereby created the Indigent Drivers Alcohol Treatment Fund.~~ All funds designated to the City pursuant to ORC 4511.~~19199(A)~~ shall be deposited into the Indigent Drivers Alcohol Treatment Fund and disbursed in accordance with ORC 4511.~~19199(A)~~.

187.04 ALCOHOL ENFORCEMENT AND EDUCATION FUND.

In accordance with ORC 4511.19, ~~There is hereby created the Alcohol~~ Enforcement and Education Fund. All funds designated pursuant to ORC 4511.~~1999(A)~~ shall be deposited into the Alcohol Enforcement and Education Fund and disbursed in accordance with ORC 4511.~~1999(A)~~.

187.07 LAW ENFORCEMENT TRUST FUND.

- (a) In accordance with Ohio Revised Code Chapter 2981, ~~There is hereby created the Law Enforcement~~ Trust Fund into which shall be deposited cash or proceeds from the sale of vehicles and other property seized under the ~~Contraband Seizure Forfeiture Act~~Ohio's criminal asset forfeiture laws codified in Ohio Revised Code Chapter 2981.
- (b) ~~Proceeds distributed to the Law Enforcement~~ Trust Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of protracted or complex investigations; to provide reasonable technical training and expertise; to provide matching funds to obtain Federal grants to aid law enforcement; or for such other purposes as recommended by the Chief of Police.
- (c) ~~Under authority of ORC 2901.01(J) and (M)~~In accordance with Ohio Revised Code Chapter 2981, the ~~Mayor or Administrator~~Director of Finance is hereby authorized and designated to accept cash, vehicles and other contraband property from the common pleas courts of the State of Ohio ~~in accordance with the Contraband Seizure Forfeiture Act, ORC 2933.43,~~ and to place the proceeds therefrom into the Law Enforcement Trust Fund as provided herein.
- (d) ~~The Administrator shall further cause all~~ All vehicles and property to be tagged to the Police Department ~~after forfeiture under the provisions of Ohio Revised Code Chapter 2981 shall~~to be used solely for law enforcement purposes, or sold and the proceeds from the sale deposited into the Law Enforcement Trust Fund.
- (e) ~~The Fund shall not be used to meet the operating costs of the Municipality that are unrelated to law enforcement.~~

187.08 MANDATORY DRUG FINE FUND.

- (a) In accordance with ORC 2925.03(F), ~~There is hereby created the Mandatory Drug Fine Fund into which shall be deposited proceeds~~ from drug-related offense fines imposed by the ~~courts overseeing offenses committed in the City of New Albany. Franklin County Municipal Court.~~
- (b) Proceeds distributed to the Mandatory Drug Fine Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of complex cases; costs of training and providing technical expertise; application toward Federal matching funds; special equipment; or for such other purposes as recommended by the Chief of Police.
- (c) ~~Moneys deposited into the Fund may not be used for operating costs of the Municipality if those costs are not related to law enforcement.~~

Exhibit A – O-86-2023

- (c) The Chief of Police is hereby authorized and designated to accept drug fines from the Franklin County Municipal Court and the Licking County Municipal Court and cause the fines to be deposited into the Mandatory Drug Fine Fund.
- (d) As required by ORC 2925.03(F)(2), the City has adopted a written internal control policy that specifically addresses the Mandatory Drug Fine Fund.

New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund

Policy Statement

This policy is adopted to comply with the statutory requirements of Section 2925.03(F)(2) and to comply with the requirements of the Auditor of the State of Ohio. Specifically, this policy establishes the New Albany Police Department's written internal control policy regulating the receipt and expenditures of proceeds from court-ordered mandatory drug fines.

General Procedures

1. Upon order of the appropriate court holding jurisdiction over qualifying drug-related offenses committed in the City of New Albany, Ohio, money and/or the monetary proceeds of mandated fines issued to the City shall be deposited into the New Albany Mandatory Drug Fine Fund by the Director of Finance or designee.
2. Each such deposit into the Mandatory Drug Fine Fund shall be properly recorded by the Director of Finance or designee using standard accounting principles and source documents to ensure proper future reference and/or audit compliance regarding the source of those funds. All supporting documentation will be incorporated into the Finance Department's fiscal and/or audit records in conjunction with monitoring receipts and expenditures of the Mandatory Drug Fine Fund.

Receipts

In addition to the above general procedures, upon the receipt of any funds issued pursuant to Sections 2925.03(F)(1) or 2925.03(F)(2) of the Ohio Revised Code, the Finance Department, in coordination with the Police Department, shall fully document the following:

- a. The date the funds were received; and
- b. The amount of such funds.

Expenditures

1. Upon the expenditure of any funds from the Mandatory Drug Fine Fund, the Police Department shall fully document the specific amount expended on each general type of expenditure.
2. The record of such expenditures shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
3. In accordance with Section 2925.03(F) of the Ohio Revised Code and Section 187.08 of the New Albany City Code, the monies from the Mandatory Drug Fine Fund shall be used exclusively for the purpose of subsidizing the New Albany Police Department's enforcement efforts that pertain to drug offenses, including but not limited to, paying the costs of complex cases, costs of training and providing technical expertise, application toward federal matching funds, special equipment, or for such other purposes as recommended by the Chief of Police.

4. The Finance Department shall be responsible for the maintenance of all financial records related to the Mandatory Drug Fine Fund.

Exhibit A – O-86-2023

187.03 INDIGENT DRIVERS ALCOHOL TREATMENT FUND.

In accordance with ORC 4511.191, there is hereby created the Indigent Drivers Alcohol Treatment Fund. All funds designated to the City pursuant to ORC 4511.191 shall be deposited into the Indigent Drivers Alcohol Treatment Fund and disbursed in accordance with ORC 4511.191.

187.04 ALCOHOL ENFORCEMENT AND EDUCATION FUND.

In accordance with ORC 4511.19, there is hereby created the Alcohol Enforcement and Education Fund. All funds designated pursuant to ORC 4511.19(A) shall be deposited into the Alcohol Enforcement and Education Fund and disbursed in accordance with ORC 4511.19.

187.07 LAW ENFORCEMENT TRUST FUND.

- (a) In accordance with Ohio Revised Code Chapter 2981, there is hereby created the Law Enforcement Trust Fund into which shall be deposited cash or proceeds from the sale of vehicles and other property seized under the Ohio's criminal asset forfeiture laws codified in Ohio Revised Code Chapter 2981.
- (b) Proceeds distributed to the Law Enforcement Trust Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of protracted or complex investigations; to provide reasonable technical training and expertise; to provide matching funds to obtain Federal grants to aid law enforcement; or for such other purposes as recommended by the Chief of Police.
- (c) In accordance with Ohio Revised Code Chapter 2981, the Director of Finance is hereby authorized and designated to accept cash, vehicles and other contraband property from the common pleas courts of the State of Ohio and to place the proceeds therefrom into the Law Enforcement Trust Fund as provided herein.
- (d) All vehicles and property to be tagged to the Police Department after forfeiture under the provisions of Ohio Revised Code Chapter 2981 shall be used solely for law enforcement purposes, or sold and the proceeds from the sale deposited into the Law Enforcement Trust Fund.

187.08 MANDATORY DRUG FINE FUND.

- (a) In accordance with ORC 2925.03(F), there is hereby created the Mandatory Drug Fine Fund into which shall be deposited proceeds from drug-related offense fines imposed by the courts overseeing offenses committed in the City of New Albany.
- (b) Proceeds distributed to the Mandatory Drug Fine Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of complex cases; costs of training and providing technical expertise; application toward Federal matching funds; special equipment; or for such other purposes as recommended by the Chief of Police.
- (c) The Chief of Police is hereby authorized and designated to accept drug fines from the Franklin County Municipal Court and the Licking County Municipal Court and cause the fines to be deposited into the Mandatory Drug Fine Fund.
- (d) As required by ORC 2925.03(F)(2), the City has adopted a written internal control policy that specifically addresses the Mandatory Drug Fine Fund.