RESOLUTION NO.
ESTABLISHING APPLICATION AND APPROVAL PROCESS AND ELIGIBILITY CRITERIA FOR CIVIL ASSET FORFEITURE

WHEREAS, the 66th Legislative Assembly created new requirements for civil asset forfeitures (HB1286), codified in North Dakota Century Code Ch. 19-03.1; and

WHEREAS, in accordance with the statute, the seized funds are maintained by the Ward County Narcotics Task Force, overseen by the North Dakota Bureau of Criminal Investigations, whereby seized assets are segregated until the civil asset forfeiture proceeding is completed and judgement of forfeiture is entered by the court; and

WHEREAS, the City of Minot entered into a Memorandum of Understanding (MOU) in May 2020 with participating agencies with the purpose of maintaining an equitable distribution of assets seized and forfeited by local law enforcement agencies; and

WHEREAS, civil asset forfeiture proceedings as separate from the related criminal action and pursuant to the MOU will be prosecuted by the Ward County State’s Attorney’s office, to be proven by clear and convincing evidence; and

WHEREAS, upon receipt of a civil asset forfeiture judgement, the State’s Attorney will advise the Ward County Narcotics Task Force of the availability of the forfeited proceeds; and

WHEREAS, in accordance with N.D. Century Code § 19-03.1-26.6 (3) the City Council of the City of Minot shall establish an application and approval process, and further establish eligibility criteria to be met by the Minot Police Department in order to appropriate funds from the City of Minot civil asset forfeiture fund in accordance therewith.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL,

1. The Chief of Police of the Minot Police Department shall make a written request to the City Council for an appropriation from the civil asset forfeiture fund maintained by the City of Minot in accordance with N.D. Century Code § 19-03.1-36.6 (2).

2. The Chief of Police shall affirmatively state the following:

   (a) The amount requested from the civil asset forfeiture fund;
   (b) The proposed timeline for the use of the requested funds;
   (c) The Chief of Police designee as the direct contact for the application, if other than the Chief of police; and
   (d) The intended use of the appropriated funds, including the details to the extent available as to how the funds are to be used to further the law enforcement mission of the Minot Police Department and in furtherance of its efforts to reduce criminal activity.

3. The City Council may approve, deny, or request additional information relative to the application for an appropriation from the civil asset forfeiture fund.
4. The City Council hereby establishes the following eligibility criteria in accordance with N.D. Century Code § 19-03.1-36.6 (3):

(a) Law Enforcement training;
(b) Law Enforcement equipment;
(c) Computer software and hardware;
(d) Other electronics, technology, and law enforcement tools;
(e) Uniform related items, including, but not limited to safety gear;
(f) Vehicle acquisition and use in furtherance of the mission; or
(g) Such other law enforcement needs as established with specificity in the application for consideration and approval by the City Council.

5. In the event the application is approved, the City Council hereby directs that the Minot Police Department shall follow all procurement procedures of the City of Minot and shall thereafter provide documentation of such expenditure to the City Finance Director or their designee.

Passed and adopted this ____day of ________________, 2021.

ATTEST: ___________________________________

Kelly Matalka, City Clerk

APPROVED: ___________________________________

Shaun Sipma, Mayor