

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: HC
Amend No. _____

Date prepared: April 30, 2008

Council Meeting Date: May 20, 2008

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney

THROUGH: Steve Burg, Chief Assistant City Attorney *Sturibus*

PREPARED BY: Anh Spiek, Senior Assistant City Prosecutor

SUBJECT: **Accept two (2) Rico Fund Grants from the Maricopa County Asset Forfeiture Program in the amounts \$18,720.00 and \$2,557.27**

RECOMMENDATION:

That the Mayor and Council accept from the Maricopa County Attorney's Office, RICO Fund grants in the amounts of A) \$18,720.00 for Criminal Division Contract Attorney services and B) \$2,557.27 grant to help Arizona Coalition for Victim's Services to pay for their annual Arizona Victim Assistance Academy. That the Mayor and Council approve a budget amendment to provide additional expenditure authority for the grant funds, and transfer the funds from General Fund Contingency Account (1000-0300-570000) in the amount of \$18,720.00 to State Anti-Racketeering -City Attorney Forfeiture Contract Labor (Account 7470-7720-520012) and in the amount of \$2,558.00 to State Anti-Racketeering -City Attorney Forfeiture City Participation - Outside Programs (Account 7470-7720-522006) for expenditure in FY2008. Total amount of \$21,278.00 additional expenditure authority in FY 2008.

SUMMARY:

The City of Peoria Prosecutor's Office has three full-time prosecutor positions. Recently, one prosecutor was promoted to a civil litigation position as an Assistant City Attorney and another Assistant Prosecutor resigned to take a job in another City. Considering the heavy caseload, it is not possible for the office to even minimally continue to prosecute cases and meet the mandated time requirements with just one prosecutor. We are expediting the recruiting process, but anticipate a minimum of six weeks to fill at least one position. In the meantime, and in light of economic factors, we do not have funds in the budget to hire contract help. This money will be used to hire

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# 126084 LIC. # _____
Action Date: 12/08

one or two contract prosecutors, to ensure bench and jury trials are completed, assist with pre-trial conferences, comply with disclosure and discovery court rules, etc. The funds might also be used to pay for clerical support if we are able to shift duties throughout the office and fulfill minimum requirements with clerical help. The funds requests are for 312 hours of prosecutorial assistance.

Federal law allows law enforcement agencies to seize cash and property used in criminal enterprises, such as drug dealing. Monies seized under anti-racketeering laws are allowed for use under federal guidelines for any law enforcement reason such as gang prevention, education, body armor, investigators and other core functions of law enforcement such as effective prosecution of municipal caseload. No City General Funds will be necessary to fund this temporary contract labor situation.

The City of Peoria's Prosecutor's Office is donating the RICO fund grant money to the Arizona Coalition for Victim's Services (ACVS) the amount of \$2,557.27 to help pay for their annual Arizona Victim Assistance Academy being held June 8-13, 2008. The academy is used to train victim advocates who deal with victims of crime on a daily basis. The funds will be used by the ACVS to pay for travel related expense for instructors and AVAA staff.

Therefore it is requested that the Mayor and Council accept from the Maricopa County Attorney's Office, RICO Fund grants in the amounts of A) \$18,720.00 for Contract Attorney/Prosecutor services in the CAO Criminal Division for professional law enforcement services and assistance and \$2,557.27 to help Arizona Coalition for Victim's Services to pay for their annual Arizona Victim Assistance Academy. B) Approve a budget amendment to provide expenditure authority for the grant funds, and transfer the funds from General Fund Contingency Account (1000-0300-570000) in the amount of \$18,720.00 to State Anti-Racketeering -City Attorney Forfeiture Contract Labor, (Account 7470-7720-520012) and the amount of \$2,558.00 to State Anti-Racketeering -City Attorney Forfeiture City Participation – Outside Programs (Account 7470-7720-5220060012) for a total of \$21,278.00. Current Budget authority and funds in the Anti-Racketeering Forfeiture Accounts of \$35,000.00 will increase to \$56,278.00 with this grant acceptance and budget amendment approval.

ATTACHMENTS:

1. 4/24/2008 Grant application and letter \$18,720.00
2. 4/24/2008 Grant application and letter \$2,557.27



City of Peoria

Office of the City Attorney

8401 W. Monroe Street, Peoria Arizona 85345

Phone: 623-773-7330

Civil/Risk Fax: 623-773-7043

Criminal/Victim's Assistance Fax: 623-773-7323

E-Mail: cityattorney@peoriaaz.com

April 24, 2008

Lisa Whitfield, RICO Funds Administrator
Maricopa County Attorney's Office
301 W. Jefferson St., Suite 900
Phoenix, Arizona 85003

Re: Application for Funds

Dear Ms. Whitfield:

Enclosed is an Agency Application for RICO funds for the amount of \$18,720.00. The money requested is to pay for professional services/contract help. The City of Peoria Prosecutor's Office needs the funds to pay for prosecutorial/clerical help for six weeks in May and June of this year. The prosecutorial/clerical help is not to replace or supplant resources. The funds will be used for law enforcement purposes as required by law.

The City of Peoria is losing two prosecutors at the same time. We do not have enough funds in the budget to be able to afford to hire prosecutorial contract help until the positions are filled. We are moving quickly to fill the permanent positions and anticipate getting them filled by mid-June. The money will be used to pay one or two contract prosecutors and/or clerical help to cover trials and pretrials and do charging or to help with clerical duties until the permanent positions are filled.

Should you need any further information to process the enclosed Application for RICO Funds, please do not hesitate to contact me.

Sincerely,

OFFICE OF THE CITY ATTORNEY

A handwritten signature in black ink, appearing to read "S M Kemp".

Stephen M. Kemp
City Attorney

VAS

Enclosure

**MARICOPA COUNTY ATTORNEY'S OFFICE
AGENCY APPLICATION FOR RICO FUNDS**

Requesting Agency : City of Peoria Attorney's Office

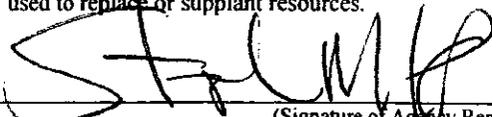
Intended use of funds (Check all applicable boxes):

<input type="checkbox"/>	<input type="checkbox"/>	Administrative	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Personal Services	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Construction	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Civil Remedies	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Equipment	\$ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Professional/Outside	\$ 18,720.00
<input type="checkbox"/>	<input type="checkbox"/>	Gang & Substance	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Travel - In State	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Match Grants	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Travel - Out of State	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Other Operating	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>		

Explanation for each category checked above (Attach additional sheets if necessary): The City of Peoria
Prosecutor's office has three full-time prosecutors. However, we have lost one prosecutor and are losing a second on May 1.
Considering our caseload, it is not possible for us to even minimally continue to prosecute cases and meet time requirements
With just one prosecutor. We are expediting the recruitment process, but anticipate it will take six weeks to fill at least one
Position. In the meantime, in light of economic factors, we do not have funds in the budget to hire contract help. The money
Will be used to hire one or two contract prosecutors to make sure bench and jury trials are completed, help with pre-trials,
Comply with disclosure, etc... The money might also be used to pay for clerical help if we are able to shift duties throughout
The office and fulfill minimum requirements with clerical help. The amount requested is for 312 hours of prosecutorial help.
If some of the money is used for clerical help also, we will be able to get more hours of clerical help.

PAYMENT INFORMATION	
Total Requested:	<u>\$18,720.00</u>
Payee:	<u>City of Peoria</u>
Hold For:	<u>Anh Spiek</u>
Mail To:	<u>City of Peoria Attorney's Office</u> <u>8401 West Monroe Street</u> <u>Peoria, Arizona 85345</u>

The below signed individual certifies that the requested funds shall be used in a manner pursuant to A.R.S. 13-2314.03.E and 13-4315.C, and further certifies that the requesting agency is maintaining appropriate documentation relating to expenditures and that the funds will not be used to replace or supplant resources.



 (Signature of Agency Representative)

24 Apr 2008

 (Date)

Stephen M. Kemp, City Attorney

 (Typed/Printed Name of Agency Representative)

-----For Maricopa County Attorney Administration Use Only-----

The above is an authorized signer for the account and based on information provided by the agency, the intended use of funds appears to fall within the scope of A.R.S. 13-2314.03.E and 13-43-15.C.

 (RICO Funds Administrator)

 (Approved)

 Date

Check # _____ Date Issued: _____ F: _____ S: _____

Expense Category: _____ Issue Date: _____



City of Peoria

Office of the City Attorney

8401 W. Monroe Street, Peoria Arizona 85345

Phone: 623-773-7330

Civil/Risk Fax: 623-773-7043

Criminal/Victim's Assistance Fax: 623-773-7323

E-Mail: cityattorney@peoriaaz.com

April 24, 2008

Lisa Whitfield, RICO Funds Administrator
Maricopa County Attorney's Office
301 W. Jefferson St., Suite 900
Phoenix, Arizona 85003

Re: Application for Funds

Dear Ms. Whitfield:

Enclosed is an Agency Application for RICO funds for the amount of \$2,557.27. The money requested is to help the Arizona Coalition for Victim Services pay for their annual Arizona Victim Assistance Academy. The Academy is a 40-hour training course for crime victim advocates and other victim service professionals. Specifically, the money will be used to help pay for travel-related expenses for instructors and staff.

Should you need any further information to process the enclosed Application for RICO Funds, please do not hesitate to contact me.

Sincerely,

OFFICE OF THE CITY ATTORNEY

A handwritten signature in black ink, appearing to read "SLMKE".

Stephen M. Kemp
City Attorney

VAS

Enc.

**MARICOPA COUNTY ATTORNEY'S OFFICE
AGENCY APPLICATION FOR RICO FUNDS**

Requesting Agency: City of Peoria Attorney's Office

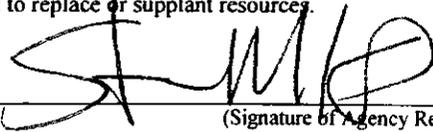
Intended use of funds (Check all applicable boxes):

<input type="checkbox"/>	<input type="checkbox"/>	Administrative	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Personal Services	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Construction	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Civil Remedies	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Equipment	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Professional/Outside	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Gang & Substance	\$ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Travel - In State	\$ <u>2,557.27</u>
<input type="checkbox"/>	<input type="checkbox"/>	Match Grants	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	Travel - Out of State	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Other Operating	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>		

Explanation for each category checked above (Attach additional sheets if necessary): The City of Peoria
Prosecutor's office is donating money to the Arizona Coalition for Victim Services (ACVS) in the amount of \$2,557.27 to help
Pay for their annual Arizona Victim Assistance Academy being held June 8-13. This academy is used to train victim advocates
Who deal with Victims of crime on a daily basis. The money will be used by the ACVS to pay for travel-related expenses for
Instructors and AVAA staff.

PAYMENT INFORMATION	
Total Requested:	<u>\$2,557.27</u>
Payee:	<u>City of Peoria</u>
Hold For:	<u>Anh Spiek</u>
Mail To:	<u>City of Peoria Attorney's Office</u> <u>8401 West Monroe Street</u> <u>Peoria, Arizona 85345</u>

The below signed individual certifies that the requested funds shall be used in a manner pursuant to A.R.S. 13-2314.03.E and 13-4315.C, and further certifies that the requesting agency is maintaining appropriate documentation relating to expenditures and that the funds will not be used to replace or supplant resources.



(Signature of Agency Representative)

2/11/12

(Date)

Stephen M. Kemp, City Attorney
(Typed/Printed Name of Agency Representative)

-----For Maricopa County Attorney Administration Use Only-----

The above is an authorized signer for the account and based on information provided by the agency, the intended use of funds appears to fall within the scope of A.R.S. 13-2314.03.E and 13-43-15.C.

(RICO Funds Administrator)

(Approved)

Date

Check # _____ Date Issued: _____ F: _____ S: _____

Expense Category: _____ Issue Date: _____