2011-248

**BOARD OF COUNTY COMMISSIONERS**
**SARPY COUNTY, NEBRASKA**
**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN 2011 FY EQUITABLE SHARING AGREEMENT AND CERTIFICATION**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the Sarpy County Attorney's office receives funds from the U.S. Treasurer from drug forfeitures that involve federal agencies and the County Attorney's office; and,

WHEREAS, The Sarpy County Attorney's office is required to submit a yearly Equitable Sharing Agreement and Certification; and,

WHEREAS, the Sarpy County Board Chairman is required to sign the 2011 FY Equitable Sharing Agreement and Certification attached hereto as Exhibit A; and.

NOW, THEREFORE, BE IT RESOLVED, By the Sarpy County Board of Commissioners that the Chairman of this Board is hereby authorized to sign the attached 2011 FY Equitable Sharing Agreement and Certification.

DATED this 2nd day of August, 2011.

MOVED by Jim Thompson, seconded by Rusty Hike, that the above Resolution be adopted. Carried.

| YEAS: | NAYS: | ABSENT: |
|---|---|---|
| Rusty Hike | None | Jim Warren |
| Tom Richard | | Jim Nekuda |
| Jim Thompson | | ABSTAIN: |
| | | None |

Attest:

SEAL

County Clerk

DEBRA J. MONGENTALLING, COUNTY CLERK
SEAL
SARPY COUNTY, NEBRASKA

OMB Number 1123-0011
Expires 7-31-2011

# Equitable Sharing Agreement and Certification

◯ **Police Department** ◯ **Sheriff's Office** ◯ **Task Force (Complete Table A, page2)**
◯ **Prosecutor's Office** ◉ **Other (specify)** County Attorney

**Agency Name:** Sarpy County Attorney

**NCIC/ORI/Tracking Number:** N B 0 7 7 0 1 3 A

**Street Address:** 1210 GOLDEN GATE DRIVE

**City:** PAPILLION **State:** NE **Zip:** 68046

**Contact:** Title: County Attorney First: Lee Last: Polikov

**Contact:** Phone: 402-593-2230 E-mail: lpolikov@sarpy.com

☐ Same as Contact **Preparer:** First: Debby Last: Peoples

**Preparer:** Phone: 402-593-4164 E-mail: debp@sarpy.com

**Last Fiscal Year End:** 06/30/2011 **Agency Current Fiscal Year Budget:** $2,949,830.00

◯ **New Participant:** Read the Equitable Sharing Agreement (page 4) and sign the Affidavit (page 5)

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5)

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5).

## Annual Certification Report

| | Summary of Equitable Sharing Activity | Justice Funds[1] | Treasury Funds[2] |
|---|---|---|---|
| 1 | Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY) | $0.00 | $0.00 |
| 2 | Federal Sharing Funds Received | $0.00 | $0.00 |
| 3 | Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2) | | |
| 4 | Other Income | $0.00 | $0.00 |
| 5 | Interest Income Accrued — Non-Interest Bearing ◯ Interest Bearing ◉ | $0.00 | $0.00 |
| 6 | Total Equitable Sharing Funds (total of lines 1 - 5) | $0.00 | $0.00 |
| 7 | Federal Sharing Funds Spent (total of lines a - m below) | $0.00 | $0.00 |
| 8 | Ending Balance (difference between line 7 and line 6) | $0.00 | $0.00 |

[1] Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

[2] Treasury Agencies are: IRS, ICE, CBP, USSS, and USCG.

| | Summary of Shared Monies Spent | Justice Funds | Treasury Funds |
|---|---|---|---|
| a | Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the *Justice Guide* | $0.00 | $0.00 |
| b | Total spent on overtime | $0.00 | $0.00 |
| c | Total spent on informants, "buy money," and rewards | $0.00 | $0.00 |
| d | Total spent on travel and training | $0.00 | $0.00 |
| e | Total spent on communications and computers | $0.00 | $0.00 |
| f | Total spent on weapons and protective gear | $0.00 | $0.00 |
| g | Total spent on electronic surveillance equipment | $0.00 | $0.00 |
| h | Total spent on buildings and improvements | $0.00 | $0.00 |
| i | Total transfers to other state and local law enforcement agencies (complete Table C, page 2) | | |
| j | Total spent on other law enforcement expenses (complete Table D, page 3) | | |
| k | Total Expenditures in Support of Community-based Programs (complete Table E, page 3) | | |
| l | Total Windfall Transfers to Other Government Agencies (complete Table F, page 3) | | |
| m | Total spent on matching grants (complete Table G, page 3) | | |
| n | **Total** | $0.00 | $0.00 |
| o | Did your agency receive non-cash assets? ◯ Yes ◉ No If yes, complete Table H, page 3. | | |

**Please fill out the following tables, if applicable.**

**Table A: Members of Task Force**

| Agency Name | NCIC/ORI/Tracking Number |
|---|---|
| | |

**Table B: Equitable Sharing Funds Received from other Agencies**

Total the amount transferred to each agency on separate lines

| Transferring Agency Name, City, and State | Justice Funds | Treasury Funds |
|---|---|---|
| Agency Name: | | |
| NCIC/ORI/Tracking Number: | | |

**Table C: Equitable Sharing Funds Transferred to Other Agencies**

Total the amount transferred to each agency on separate lines

| Receiving Agency Name, City, and State | Justice Funds | Treasury Funds |
|---|---|---|
| Agency Name: | | |
| NCIC/ORI/Tracking Number: | | |

**Table D: Other Law Enforcement Expenses**

| Description of Expense | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

**Table E: Expenditures in Support of Community-based Programs**

Refer to § VIII.A.1.m and Appendix C of the *Justice Guide*

| Recipient | Justice Funds | |
|---|---|---|
| | | |

**Table F: Windfall Transfers to Other Government Agencies**

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

| Recipient | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

**Table G: Matching Grants**

Refer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

| Matching Grant Name | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

**Table H: Other Non-Cash Assets Received**

| Source | Description of Asset |
|---|---|
| Justice ◯ | |
| Treasury ◯ | |

**Table I: Civil Rights Cases**

| Name of Case | Type of Discrimination Alleged | | | |
|---|---|---|---|---|
| | ☐ Race | ☐ Color | ☐ National Origin | ☐ Gender |
| | ☐ Disability | ☐ Age | ☐ Other _____ | |

## Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Management and Strategic Planning Unit, 1400 New York Avenue, N.W., Second Floor, Washington, DC 20005.

# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.

2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide),* and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).*

4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.

5. **Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide,* including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides,* depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

# Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

**During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?** ○ **Yes** ◉ **No**

**If you answered yes to the above question, complete Table I**

| **Agency Head** See ¶ 2 on page | | **Governing Body Head** See ¶ 2 on page | |
|---|---|---|---|
| Signature: | | Signature: | Tom Richard |
| Name: | Lee Polikov | Name: | Tom Richards |
| Title: | Sarpy County Attorney | Title: | Chairman |
| Date: | 08/02/2011 | Date: | 08/02/2011 |

**Subscribe to Equitable Sharing Wire:**
The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

**Final Instructions:**

Step 1: Click to save for your records
Step 2: Click to save in XML format
Step 3: E-mail the XML file to aca.submit@usdoj.gov
Step 4: Fax THIS *SIGNED* PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY
Entered by _____

Entered on _____

○ FY End: 06/30/2011

Date Printed: July 29, 2011 08:50

◉ NCIC: NB077013A Agency: Sarpy County Attorney Phone: 402-593-2230

○ State: NE Contact: Lee Polikov E-mail: lpolikov@sarpy.com

# *Sarpy County Board of Commissioners*

1210 GOLDEN GATE DRIVE
PAPILLION, NE
593-4155
www.sarpy.com

ADMINISTRATOR Mark Wayne
DEPUTY ADMINISTRATOR Scott Bovick
FISCAL ADMIN./PURCHASING AGT. Brian Hanson

COMMISSIONERS
**Rusty Hike** District 1
**Jim Thompson** District 2
**Tom Richards** District 3
**Jim Nekuda** District 4
**Jim Warren** District 5

**MEMO**

To: Sarpy County Board

From: Brian Hanson

Re: Federal Forfeiture Report-County Attorney

From time to time, the County Attorney's office receives funds from the U.S. Treasurer from drug forfeitures that involve federal agencies and the County Attorney's office. The attached report summarizes the activity of the Federal Forfeiture County Attorney fund and must be signed by the County Board Chairman. This will be on the August 2, 2011 agenda for your approval.

July 29, 2011

Brian Hanson
Brian E. Hanson

BEH/dp

cc: Mark Wayne
Deb Houghtaling
Scott Bovick
Lee Polikov
John Reisz
Mike Smith