

Resolution of the City of Franklin Board of Public Works

Resolution No.: 2022-02

**A RESOLUTION AUTHORIZING PURCHASE OF POLICE EQUIPMENT FROM
FORFEITURE FUNDS**

WHEREAS, the City of Franklin, by and through its Board of Public Works, (hereinafter referred to as “City”) is a government organization providing services to the citizens of Franklin, Indiana; and

WHEREAS, the Board of Public Works is the purchasing agent for purposes of acquiring personal property and supplies in furtherance of providing services to the citizens of the City of Franklin; and

WHEREAS, Ordinance 99-10 passed by the Common Council of the City of Franklin created the City’s Forfeiture Fund wherein monies received from Federal and State Agencies through forfeiture proceedings are shared with local law enforcement agencies who assisted with seizing the forfeited property; and

WHEREAS, the City of Franklin Common Council has appropriated certain sums of money from the Forfeiture Fund to be spent in accordance with law; and

WHEREAS, Federal and State law permits the expenditure of appropriated Forfeiture Funds by local law enforcement agencies in accordance with Federal, State and local regulations; and

WHEREAS, City of Franklin Ordinance 99-10 codified as Franklin Code 3.12.030 permits the City Police Department to expend funds to pay for law enforcement equipment and operation **SUCH AS** body armor, firearms, radios, cellular telephones, computer equipment, software and vehicles among other types of equipment; and

WHEREAS, the City requires and encourages its officers to maintain both physical and mental health and in doing so having certain fitness equipment available to its officers and staff is in the best interest of the City, employees and citizens; and

WHEREAS, the Board of Public Works and Safety believes that fitness equipment is appropriate and an authorized use of the Forfeiture Funds as appropriated; and

WHEREAS, I.C. 5-22-10-13 permits a purchasing agent to authorize a contract for the purchase of supplies, material or equipment when a purchasing agent determines in writing there is only one source providing the needed materials; and

WHEREAS, I.C. 5-22-10-8 further allows a purchasing agent to make a special purchase when “ the compatibility of equipment, accessories, or replacement parts is a substantial

consideration in the purchase; and only one (1) source meets the agencies reasonable requirement; and

WHEREAS, I.C. 5-22-10-12 permits a purchasing agent to make a special purchase when the market structure is based on price but the governmental body is able to receive a dollar percentage discount of the established price.

BE IT THEREFORE RESOLVED the City of Franklin, by and through its Board of Public Works, as its authorized purchasing agent, does hereby adopt the above aforementioned as findings of fact; and

BE IT FURTHER RESOLVED the City of Franklin, by and through its Board of Public Works and Safety does hereby determine in writing that a special purchase of the requested fitness equipment by the City of Franklin Police Department is permissible in accordance with the provisions set forth above.

BE IT FURTHER RESOLVED the authorized representative of the City of Franklin Board of Public Works and Safety, is hereby designated as the Chief of Police and is permitted to purchase the fitness equipment as set forth above in accordance with the special purchasing provisions of Indiana Code with the cost of said equipment not exceed \$35,515.06.

BE IT FURTHER RESOLVED that pursuant to I.C. 5-22-10-3 the City Clerk Treasurer shall keep a record for a minimum of five (5) years of the special purchase identifying the contractor's name, the amount of the contract and the identity of the equipment purchased.

INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana the 21 day of March, 2022.

City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:



Mayor Steve Barnett



Melissa Jones, Member

Absent

Robert Swinehamer, Member

Voting Opposed:

Mayor Steve Barnett

Melissa Jones, Member

Robert Swinehamer, Member

Attest:


Jayne Rhoades, Clerk Treasurer

Prepared by: Lynnette Gray
Attorney No.: 11567-41