ORDINANCE NO. 2880

AN ORDINANCE of the City of Kent, Washington, relating to forfeited monies and real and personal property under Chapter 69.50 RCW, the Uniform Controlled Substances Act, establishing a new special purpose fund to be named a Special Investigation Fund; appropriating anticipated revenues for this Fund; and specifying the purpose, manner of administration and funding sources for the Fund.

WHEREAS, RCW 69.50.505 provides for the seizure and forfeiture by the City of money and other real and personal property used or intended for use in violation of the Uniform Controlled Substances Act, recently amended by the 1989 Legislature in Chapter 271; and

WHEREAS, RCW 69.50.505(F) provides for the use of monies forfeited in the proceeds of the sale of forfeited property; and

WHEREAS, RCW 69.50.505(F) further provides that such sale proceeds and monies forfeited shall be used for the payment of proper expenses of the investigation leading to the seizure and other proceedings for seizure, forfeiture and sale, and that monies remaining after the payment of such expenses shall, depending on the sum remaining, be distributed in part to the State Treasurer for deposit in the Public Safety and Education Account and shall be distributed in part to the City to be used exclusively for the expansion of narcotics enforcement services and for the expansion or improvement of narcotic law enforcement services; and

WHEREAS, the City desires to establish a special fund for the proper and efficient administration of these monies; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. There is hereby established a special fund, designated the Special Investigation Fund. The forfeited currency, proceeds from the sale of forfeited real and personal property and forfeiture settlements obtained by the City of Kent pursuant to RCW 69.50.505 and any other applicable state or federal law shall be deposited in said Fund. Proceeds deposited in the Special Investigation Fund shall be used for the payment of expenses related to investigation, seizure, forfeiture and sale and for the expansion or improvement of narcotic law enforcement services and shall not supplant pre-existing funding sources, all as provided in and consistent with RCW 69.50.505 and other state or federal law.

The Director of Finance or his or her designee shall be responsible for the administration of the Fund, and shall have the authority to establish rules and regulations for the administration thereof including, but not limited to, rules and regulations regarding the reporting of expenses of investigation, seizure, forfeiture and sale.

Section 2. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR
ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the ___ day of ____, 1989.
APPROVED the ___ day of ____, 1989.
PUBLISHED the ___ day of ____, 1989.

I hereby certify that this is a true copy of Ordinance No. ____ passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

(SEAL)