

RESOLUTION No. 30924



A RESOLUTION relating to money derived from the forfeiture of property related to illegal activities; stating the City of Seattle's intent to appropriate in the annual budget the proceeds of property forfeited pursuant to the Uniform Controlled Substances Act and the Money Laundering Act; and superseding Resolutions 28184 and 30541.

11/6/06 Adopt 9-0
11-20-06 Adopted

Introduced:	OCT 16 2006	By:	McIVER
Referred:		To:	BUDGET
Referred:		To:	
Reported:			
Passed:	11-20-06	Signed:	11-20-06
Filed:	11.22.06	Published:	Full 2 pgs.

US5171

Law Department

cu

RESOLUTION 30924

1
2
3 A RESOLUTION relating to money derived from the forfeiture of property related to illegal
4 activities; stating the City of Seattle's intent to appropriate in the annual budget the proceeds
5 of property forfeited pursuant to the Uniform Controlled Substances Act and the Money
6 Laundering Act; and superseding Resolutions 28184 and 30541.

7
8 WHEREAS, RCW 69.50.505 (part of the Uniform Controlled Substances Act) provides that
9 specified percentages of the proceeds of property forfeited through the court system as a
10 result of local drug law enforcement activities shall be retained by the seizing law
11 enforcement agency exclusively for the expansion and improvement of controlled
12 substances related law enforcement activity; and

13
14 WHEREAS, RCW 69.50.505 also provides that money retained by local law enforcement under
15 that section may not be used to supplant preexisting funding sources; and

16
17 WHEREAS, RCW 9A.83.030 (part of the Money Laundering Act) provides that proceeds and
18 property traceable to or derived from money laundering and other specified unlawful
19 activities are subject to seizure and forfeiture, and the proceeds derived by law enforcement
20 agencies from their forfeiture shall be used as provided in RCW 69.50.505; and

21
22 WHEREAS, the City wishes to discontinue its inefficient practice of appropriating the proceeds of
23 forfeitures under those state laws by individual ordinances; and

24
25 WHEREAS, the proceeds of these forfeitures will continue to be used strictly for the purposes
26 permitted by state law, not supplanting preexisting funding sources, and retaining full
27 control by the Mayor and City Council of the purposes for which the funding is used; NOW
28 THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE
MAYOR CONCURRING:**

Section 1. Money and the proceeds of property forfeited to the Seattle Police Department
pursuant to RCW 69.50.505 that are not required to be paid to the state treasurer shall be retained
by the City in the State Drug Forfeiture Fund, to be used exclusively for the expansion and
improvement of controlled substances related law enforcement activity.

Section 2. Proceeds traceable to or derived from specified unlawful activity or a
violation of RCW 9A.83.020 that have been forfeited to the Seattle Police Department pursuant



1 to RCW 9A.83.030 and that are not required to be paid to the state treasurer shall be retained by the
2 City in the General Subfund, to be used exclusively for the expansion and improvement of
3 controlled substances related law enforcement activity.

4 Section 3. At least annually, the Mayor shall propose to the City Council specific
5 purposes for which these forfeited proceeds will be appropriated and spent. As part of the
6 adoption or modification of the annual budget, the City Council and Mayor shall appropriate
7 these funds and describe the programs and projects to be funded
8

9 Section 4. Resolution 28184 and Resolution 30541 are superseded.

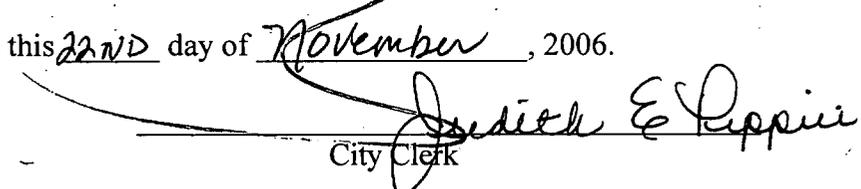
10 Adopted by the City Council the 20th day of November, 2006, and signed by me
11 in open session in authentication of its adoption this 20th day of November, 2006.

12 
13 _____
14 President _____ of the City Council

15 THE MAYOR CONCURRING:

16 
17 _____
18 Gregory J. Nickels, Mayor

19 Filed by me this 22ND day of November, 2006.

20 
21 _____
22 City Clerk

23 (Seal)

2007 BUDGET LEGISLATION FISCAL NOTE

Legislation Tracking Page on the inweb at <http://inweb/legislationtracking/>

Department:	Contact Person/Phone:	DOF Analyst/Phone:
SPD	Doug Carey 684-8067	Greg Doss 615-1759

A RESOLUTION relating to money derived from the forfeiture of property related to illegal activities; stating the City of Seattle's intent to appropriate in the annual budget the proceeds of property forfeited pursuant to the Uniform Controlled Substances Act and the Money Laundering Act; and superseding Resolutions 28184 and 30541.

- **Summary of the Legislation:** This Resolution states the City's intent to appropriate in the annual budget forfeited drug and money laundering proceeds obtained as a result of the Seattle Police Department's (SPD's) investigations and arrests of those engaging in such activities.
- **Background:** City Council Resolutions 28184 and 30541 require that forfeited funds collected under the Uniform Controlled Substances Act and the Money Laundering Act be appropriated by separate ordinance. The original thought behind the Resolutions was that appropriating these funds by separate ordinance would allow for more detailed information and, therefore, would better ensure that General Fund expenditures would not be supplanted with forfeiture resources. Beginning with the 2007-2008 Proposed Budget, detailed descriptions are provided with regard to SPD's use of forfeited funds, thus eliminating the need to produce two separate routine pieces of legislation during the annual budget process.
- *Please check one of the following:*

X This legislation does not have any financial implications.



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 2, 2006

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

I am pleased to transmit the attached proposed Resolution, which states the City's intent to appropriate in the annual budget those proceeds collected by the Seattle Police Department (SPD) under the Uniform Controlled Substances Act and the Money Laundering Act instead of appropriating them by separate ordinance.

The Revised Code of Washington requires that proceeds obtained under the Uniform Controlled Substances Act and the Money Laundering Act be used exclusively for the expansion and improvement of controlled substances-related law enforcement activity. City Council Resolutions 28184 and 30541 direct that such forfeited funds be appropriated by separate ordinance. The thought at the time was that appropriating these funds by separate ordinance would provide more detail about their use, ensuring against the General Fund being supplanted with forfeiture resources. The 2007-2008 Budget includes a detailed description of the use of forfeited funds obtained from SPD's investigations of drug and money laundering activities, thereby eliminating the need to produce two separate routine pieces of legislation during the annual budget process.

Thank you for your consideration of this legislation. For additional information, please call Doug Carey at 684-8067.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



STATE OF WASHINGTON – KING COUNTY

--SS.

205026
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

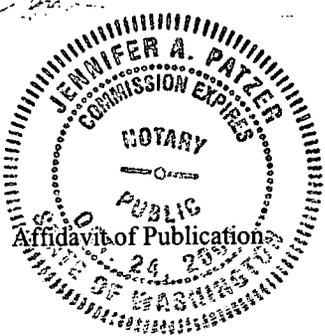
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:30924 RESOLUTION

was published on

12/04/06

The amount of the fee charged for the foregoing publication is the sum of \$ 124.20, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
12/04/06 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

RESOLUTION 30924

A RESOLUTION relating to money derived from the forfeiture of property related to illegal activities; stating the City of Seattle's intent to appropriate in the annual budget the proceeds of property forfeited pursuant to the Uniform Controlled Substances Act and the Money Laundering Act, and superseding Resolutions 28184 and 30541.

WHEREAS, RCW 69.50.505 (part of the Uniform Controlled Substances Act) provides that specified percentages of the proceeds of property forfeited through the court system as a result of local drug law enforcement activities shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity; and

WHEREAS, RCW 69.50.505 also provides that money retained by local law enforcement under that section may not be used to supplant preexisting funding sources; and

WHEREAS, RCW 9A.83.030 (part of the Money Laundering Act) provides that proceeds and property traceable to or derived from money laundering and other specified unlawful activities are subject to seizure and forfeiture, and the proceeds derived by law enforcement agencies from their forfeiture shall be used as provided in RCW 69.50.505; and

WHEREAS, the City wishes to discontinue its inefficient practice of appropriating the proceeds of forfeitures under those state laws by individual ordinances; and

WHEREAS, the proceeds of these forfeitures will continue to be used strictly for the purposes permitted by state law, not supplanting preexisting funding sources, and retaining full control by the Mayor and City Council of the purposes for which the funding is used; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING:

Section 1. Money and the proceeds of property forfeited to the Seattle Police Department pursuant to RCW 69.50.505 that are not required to be paid to the state treasurer shall be retained by the City in the State Drug Forfeiture Fund to be used exclusively for the expansion and improvement of controlled substances related law enforcement activity.

Section 2. Proceeds traceable to or derived from specified unlawful activity or a violation of RCW 9A.83.020 that have been forfeited to the Seattle Police Department pursuant to RCW 9A.83.030 and that are not required to be paid to the state treasurer shall be retained by the City in the General Subfund, to be used exclusively for the expansion and improvement of controlled substances related law enforcement activity.

Section 3. At least annually, the Mayor shall propose to the City Council specific purposes for which these forfeited proceeds will be appropriated and spent. As part of the adoption or modification of the annual budget, the City Council and Mayor shall appropriate these funds and describe the programs and projects to be funded.

Section 4. Resolution 28184 and Resolution 30541 are superseded.

Adopted by the City Council on the 20th day of November, 2006, and signed by me in open session in authentication of its adoption this 20th day of November, 2006.

Nick Licata
President of the City Council

THE MAYOR CONCURRING,
Gregory J. Nickels, Mayor

Filed by me this 22nd day of November, 2006.

(Seal) Judith Pippin
City Clerk

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 4, 2006.
12/4(206026)