

## ORDINANCE NO. 1158

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON; RELATING TO DRUG ENFORCEMENT PROCEEDS; ADDING A NEW CHAPTER 3.31 TO THE GIG HARBOR MUNICIPAL CODE IN ORDER TO CREATE A SEPARATE DRUG ENFORCEMENT FUND FOR THE PROCEEDS OF FEDERALLY FORFEITED PROPERTY; AMENDING SECTION 3.30.010 OF THE GIG HARBOR MUNICIPAL CODE.; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, 21 U.S.C. § 881(e)(3) authorizes the United States Attorney General to share the proceeds of federally forfeited property with participating state and local law enforcement agencies; and

WHEREAS, state and local law enforcement agencies may equitably share in the proceeds of federally forfeited property when participating and cooperating in federal investigations to enforce federal criminal laws or when requesting a federal agency to adopt seized property and proceed with a federal forfeiture; and

WHEREAS, participating state and local law enforcement agencies must implement standard accounting procedures and internal controls to track equitably shared moneys and tangible property according to Appendix C of the *Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies* published by the United States Department of Justice (the "Guide");

WHEREAS, Appendix C of the Guide requires the establishment of a separate revenue account for the proceeds of federally forfeited property, which must receive any interest income generated by the fund; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 3.31 is hereby added to of the Gig Harbor Municipal Code to read as follows:

### **3.31.010 Fund Created.**

There is created and established a special fund to be known as the "federal drug investigation fund" into which all moneys and proceeds from the sale of federally forfeited property seized during joint investigations with federal agencies or from federal forfeiture proceedings shall be deposited.

### **3.31.020 Purposes - Expenditures.**

This fund has been established for the purpose of separately accounting for proceeds from federally forfeited property in accordance with the *Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies*, published by the United States Department of Justice. Moneys in this fund shall be expended only for permissible purposes identified in said Guide, as now existing or as later may be amended.

### **3.31.030 Unexpended funds.**

Any unexpended funds remaining in the federal drug investigation fund at the end of any budget year shall not be transferred to the general fund or otherwise lapse. Such unexpended funds shall be carried forward from year to year until expended for the purposes set forth in GHMC 3.31.020.

Section 2. Section 3.30.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

### **3.30.010 Fund Created.**

There is created and established a special fund to be known as the “drug enforcement fund” into which all moneys and proceeds from the sale of property seized during drug investigations and forfeited pursuant to RCW 69.50.505 and all other applicable state~~—and federal~~ laws shall be deposited after amounts are dedicated in accordance with state~~—and federal~~ laws.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 13<sup>th</sup> day of April, 2009.

CITY OF GIG HARBOR

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Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

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Molly Towslee, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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Angela S. Belbeck

FILED WITH THE CITY CLERK: 03/18/09  
PASSED BY THE CITY COUNCIL: 04/13/09  
PUBLISHED: 4/22/09  
EFFECTIVE DATE: 4/27/09  
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