

(R-88-1960)

RESOLUTION NUMBER R- 270905

ADOPTED ON MAY 9 1988

WHEREAS, the federal government, by the Comprehensive Crime Control Act of 1984, has created provisions for equitable sharing with state and local law enforcement agencies of assets seized and forfeited for certain criminal violations; and

WHEREAS, the Council of The City of San Diego, by Resolution No. R-265036 adopted on February 10, 1986, authorized the City Manager to request, for and on behalf of the City, equitable transfer of forfeited property seized during operations which included participation by the San Diego Police Department; and

WHEREAS, the Police Department has, through both adoptive seizures and joint investigations, caused a significant amount of assets to be subjected to federal forfeiture and intends to continue to emphasize this aspect of the law enforcement struggle against narcotics trafficking; and

WHEREAS, the success of the City's seizure program has caused an unacceptable backlog of cases in the litigation areas for which the United States Attorney's Office is responsible; and

WHEREAS, the United States Attorney's Office desires that attorneys from the County District Attorney's Narcotics Division appear in federal court to litigate forfeiture cases in accordance with 19 U.S.C. section 1608 or 1610 which arise from seizure of assets by the San Diego Police Department; and

WHEREAS, the District Attorney is ready, willing and able to conduct all legal aspects of civil proceedings in federal court brought by claimants to assets seized by the Police Department pursuant to 21 U.S.C. section 881, NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with the District Attorney of the County of San Diego authorizing the payment of ten percent (10%) of the proceeds of federally seized assets which become subject to judicial forfeiture proceedings, under the terms and provisions as set forth in the Agreement on file in the office of the City Clerk as Document No.

RR- 270905 .

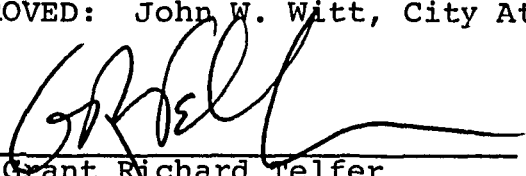
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized and empowered to expend funds on an as required basis, to the District Attorney of the County of San Diego, from Special Fund 10132, solely and exclusively for the purpose of compliance with the terms of the Agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized and empowered to make payments to the District Attorney of the County of San Diego, from Special Fund 10132, representing ten percent (10%) of the proceeds from those forfeiture cases handled by attorneys from the District

Attorney's office from September 1, 1987 through the effective date of the Agreement, which cases would have been subject to the Agreement had it been in effect on September 1, 1987.

APPROVED: John W. Witt, City Attorney

By


Grant Richard Telfer
Deputy City Attorney

GRT:lfs
03/25/88
Or.Dept:Police
R-88-1960
Form=r.auagr

MAY 9 1988

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Bhanda B. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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