

RESOLUTION NO. 93-07

A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ESTABLISHING THE GUIDELINES FOR USE OF ASSET
SEIZURE FUNDS AND PROPERTY AND RESCINDS
RESOLUTION NO. 90-13

THE RIDGECREST CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. This Resolution shall be known and may be referred to as the "Asset Seizure Resolution" of the City of Ridgecrest.

SECTION 2. Adoption of the Guidelines of the Asset Seizure Funds and Property. In order to establish efficient procedures for the expenditure of funds and property, and to clearly define authority for the purchasing function of equipment and supplies, while protecting the confidentiality of the special investigative unit of the police department.

SECTION 3. Disposition of Forfeited Property and Funds. Health and Safety Code sections 11473.2 and 11473.3 provide for the official use in its law enforcement program of forfeited property. The use of the funds and/or property must be exclusively to support the law enforcement and prosecutorial efforts of the agency.

SECTION 4. Improper Diversion of Forfeited Property. It is not proper to use or distribute property subject to forfeiture, forfeited property or the proceeds thereof other than prescribed in sections 11473.2, 11473.3 and 11489.

SECTION 5. Expenditure Authority. The authority for the expenditure of funds and/or equipment and sales of supplies and equipment is vested in the City Administrator. The City Administrator shall have the authority to:

- A. Purchase or contract for supplies and equipment.
- B. Negotiate and implement contracts for the purchase of supplies, equipment and services.
- C. Supervise the inspection of all supplies and equipment purchased to insure conformance with specifications.
- D. Supervise the transfer of surplus or unused supplies and equipment as needed and the sale of all supplies and equipment which cannot be used by the department, or which have become unsuitable for city use.
- E. Due to the nature of the types of investigations conducted involving narcotics and dangerous drugs, the City Administrator has the authority to negotiate purchases and sales of supplies and equipment in the method that best protects the interests of the City. Consequently expenditures from this account do not have to follow the guidelines as set forth in the "Purchasing Resolution" 89-120.

SECTION 6. Exemption. This ordinance applies only to those items that are purchased with funds from the Asset Seizure Account. All other purchases are made in accordance with Resolution 89-120 the "Purchasing Resolution."

SECTION 7. Purchases at or Under \$5000. The City Administrator may authorize the purchase of equipment or supplies without following a negotiated purchase procedure and based upon a single quote, provided that the Police, Fire and Safety Committee has been notified of the intent to purchase.

SECTION 8. Purchases Over \$5000. The City Council, following the asset seizure purchase procedures of the Police, Fire & Safety Committee, shall approve all purchases over \$5000 on the Demand Warrant Register.

SECTION 9. Severability. If any section, subsection, subdivision sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the entire ordinance or any of the remaining portions thereof. The Council hereby declares that it would have passed this resolution and each section, subsection, subdivision sentence, clause and phrase hereof irrespective of the fact that one or more sections, subsections, subdivision sentence, clause or phrases be declared unconstitutional or otherwise invalid.

SECTION 10. The City Administrator will provide to the Police, Fire & Safety Committee a quarterly account of the disposition of all assets and the disbursement of all funds. The account will be audited annually by a certified public accountant.

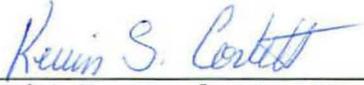
APPROVED AND ADOPTED this 3rd day of March , 1993, by the following vote:

AYES: Mayor Corlett, Council Members Auld, Bitney, Bryan, and Parade.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Kevin S. Corlett, Mayor

ATTEST:



Pam Snyder, Interim City Clerk