

RESOLUTION R 3321

A RESOLUTION OF THE KIRKLAND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND, AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN KING COUNTY AND THE MAJOR CITIES WITHIN KING COUNTY TO PROVIDE FOR THE ESTABLISHMENT AND USE OF AN INTERLOCAL DRUG FUND AS AUTHORIZED IN RCW 9.92.060 AND RCW 9.95.210.

Whereas, the Washington State legislature has enacted legislation empowering all superior courts to require the payment of contributions into an interlocal drug fund in sentencing for drug-related convictions; and

Whereas, King County, the major cities within King County and their respective law enforcement agencies wish to utilize the contributions which may be made available as a result of this legislation, to facilitate enforcement of statutes and ordinances related to controlled substances; and

Whereas, the King County Council by Ordinance 7796 established a fund designated as the King County Drug Enforcement Fund, directed that all contributions ordered by the superior courts of King County in sentencing for drug-related convictions, be paid into this fund and has authorized control of this fund to be regulated by a six-member board composed of five law enforcement officers from the King County and cities' law enforcement agencies and the King County prosecuting attorney or deputy acting in an advisory or auditing capacity; and

Whereas, the King County prosecuting attorney has pledged that his office will actively seek the ordering of contributions to the fund from every defendant who is sentenced in a drug-related conviction in the superior courts of King County, now, therefore,

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Council of the City of Kirkland approves the concept of an interlocal drug fund established by King County in accordance with the agreement regulating the administration and use of the King County Drug Enforcement Fund, copy of which is attached to this resolution as Exhibit A and by this reference incorporated herein.

Section 2. Pursuant to the authority given to the City of Kirkland to enter into interlocal governmental agreements by RCW 39.34.030, the Kirkland City Council hereby authorizes and directs the City Manager for the City of Kirkland to sign on behalf of the City of Kirkland that certain agreement attached to this resolution as Exhibit A, regulating the administration and use of the King County Drug Enforcement Fund.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of November, 1986.

Signed in authentication thereof this 3rd day of November, 1986.

Asa Cooper
MAYOR

ATTEST:

Janice Beung DEPUTY CLERK
Director of Administration & Finance
(ex officio City Clerk)

AGREEMENT REGULATING THE ADMINISTRATION AND USE
OF THE KING COUNTY DRUG ENFORCEMENT FUND.

This is an agreement made among the law enforcement agencies located within King County, hereinafter referred to as "the Agencies", whose representatives have signed below.

WHEREAS, the Washington State Legislature has enacted legislation empowering all Superior Courts to require the payment of contributions into an interlocal drug fund in sentencing for drug-related convictions; and

WHEREAS, the Agencies wish to utilize the contributions which may be made available as a result of this legislation to facilitate enforcement of statutes and ordinances related to controlled substances; and

WHEREAS, the King County Council has established a fund designated as the King County Drug Enforcement Fund (the "Fund"), has directed that all contributions ordered by the Superior Courts of King County in sentencing for drug-related convictions be paid into this fund, and has authorized control of this fund to be regulated by a six-member board (the "Board") composed of five law enforcement officers from the Agencies and the King County Prosecuting Attorney or a deputy acting in an advisory and auditing capacity; and

WHEREAS, the King County Prosecuting Attorney has pledged that his office will actively seek the ordering of contributions to the Fund from every defendant who is sentenced in a drug-related conviction in the Superior Courts of King County,

NOW, THEREFORE, pursuant to the Revised Code of Washington (RCW) 39.34.030, the Agencies hereby agree to the following:

1.) The Fund shall be administered by a board of five (5) law enforcement officers, plus the King County Prosecuting Attorney or deputy who will act in an advisory and auditing capacity. To ensure equitable representation of every agency participating in the Fund, the Board members shall be:

- a.) One board member appointed by agreement among or vote of a majority of the police chiefs of Algona, Auburn, Black Diamond, Des Moines, Enumclaw, Kent, Normandy Park, Pacific, Port of Seattle, Renton, and Tukwila;
- b.) One board member appointed by agreement among or vote of a majority of the police chiefs of Bellevue, Bothell, Carnation, Clyde Hill, Duvall, Issaquah, Kirkland, Lake Forest Park, Medina, Mercer Island, Redmond, Skykomish, Snoqualmie, and University of Washington;
- c.) One board member appointed by the Sheriff-Director of the King County Police Department;
- d.) One board member appointed by the Chief of the Seattle Police Department;
- e.) One board member appointed by the President of the King County Police Chiefs Association; and
- f.) The King County Prosecuting Attorney or a deputy serving in an advisory and auditing capacity.

Board members shall serve at the will of the person or persons who appointed the member. There shall not be more than one board member from any agency.

2.) The King County Prosecuting Attorney shall develop and advise the Board of guidelines as to the amount of

contributions to the Fund that will be sought in various categories of drug-related cases.

3.) The Fund shall be utilized only to aid in significant narcotics investigations. Each agency that becomes a party to this agreement shall have access to the Fund. Funds requested by an agency shall be disbursed according to applicable law, King County ordinance 7796, and adopted policies and by-laws, as all may now exist or may hereafter be amended, following approval for the disbursement by any three law enforcement representatives on the Board. Standard request and accounting forms will be provided to ensure that the Fund is lawfully maintained as authorized by the King County Council and to facilitate auditing. Written by-laws of the Board and goals and objectives and priorities of the Fund shall be developed and adopted by the Board members in consultation with representatives of each agency and presented to the King County Executive for review. By-laws shall provide for return to the Fund of monies not actually expended by a receiving agency.

4.) The Fund shall acquire no funds other than contributions ordered as a condition of probation or suspended sentences or as part of a sentence in King County Superior Courts and income earned by the Fund. The Fund will not affect the seizure and forfeiture of assets by each individual agency. The Fund will not affect any contributions ordered as a condition of probation or suspended sentences in any district or municipal courts located in King County.

5.) Each Agency which is a party to this agreement agrees to cooperate in good faith in the use of the Fund. Any disputes which cannot be resolved by the law enforcement

representatives on the Board shall be referred by those members to the King County Prosecuting Attorney for final and binding resolution.

6.) Each Agency which is a party to this agreement hereby agrees to accept liability for any act, error, or omission of its own employees, arising out of or connected with this agreement and to indemnify and hold the other agencies and their employees and agents harmless from any such liability, claim or cause of action arising from or connected with the performance of the agency's officers or employees under this agreement.

7.) This agreement is to be effective April 15, 1986, or as soon as four agencies have executed it, whichever occurs later. Any party may terminate its participation in the Fund under this agreement by giving sixty days written notice of its termination to the other parties hereto. Prior to termination, an agency must return to the Fund all monies disbursed to the agency which have not actually been expended. If no more than one Agency remains as a party to this agreement after its effective date, then this Agreement shall terminate and all monies in the Fund shall remain part of that Fund, subject only to the control of King County.

All parties, through their authorized agents, having read and understood the above agreement, and intending to be bound by it, the authorized agents of each agency have signed below on the date they have noted.

City of Algona
By: _____
Date: _____

Approval Recommended
Algona Police Department
By: _____
Chief

City of Auburn
By: _____
Date: _____

Approval Recommended
Auburn Police Department
By: _____
Chief

City of Bellevue
By: _____
Date: _____

Approval Recommended
Bellevue Police Department
By: _____
Acting Chief

City of Black Diamond
By: _____
Date: _____

Approval Recommended
Black Diamond Police Department
By: _____
Chief

City of Bothell
By: _____
Date: _____

Approval Recommended
Bothell Police Department
By: _____
Chief

City of Carnation
By: _____
Date: _____

Approval Recommended
Carnation Police Department
By: _____
Chief

Town of Clyde Hill
By: _____
Date: _____

Approval Recommended
Clyde Hill Police Department
By: _____
Chief

City of Des Moines
By: _____
Date: _____

Approval Recommended
Des Moines Police Department
By: _____
Chief

City of Duvall
By: _____
Date: _____

Approval Recommended
Duvall Police Department
By: _____
Chief

City of Enumclaw
By: _____
Date: _____

Approval Recommended
Enumclaw Police Department
By: _____
Chief

City of Issaquah
By: _____
Date: _____

Approval Recommended
Issaquah Police Department
By: _____
Chief

City of Kent
By: _____
Date: _____

Approval Recommended
Kent Police Department
By: Chief

King County
By: _____
Date: _____

Approval Recommended
King County Police Department
By: Sheriff-Director

City of Kirkland
By: _____
Date: _____

Approval Recommended
Kirkland Police Department
By: Chief

City of Lake Forest Park
By: _____
Date: _____

Approval Recommended
Lake Forest Park Police Department
By: Chief

City of Medina
By: _____
Date: _____

Approval Recommended
Medina Police Department
By: Chief

City of Mercer Island
By: _____
Date: _____

Approval Recommended
Mercer Island Police Department
By: Chief

City of Normandy Park
By: _____
Date: _____

Approval Recommended
Normandy Park Police Department
By: Chief

City of Pacific
By: _____
Date: _____

Approval Recommended
Pacific Police Department
By: Chief

Port of Seattle
By: _____
Date: _____

Approval Recommended
Port of Seattle Police Department
By: Chief

City of Redmond
By: _____
Date: _____

Approval Recommended
Redmond Police Department
By: _____
Chief

City of Renton
By: _____
Date: _____

Approval Recommended
Renton Police Department
By: _____
Chief

City of Seattle
By: _____
Date: _____

Approval Recommended
Seattle Police Department
By: _____
Chief

Town of Skykomish
By: _____
Date: _____

Approval Recommended
Skykomish Police Department
By: _____
Chief

City of Snoqualmie
By: _____
Date: _____

Approval Recommended
Snoqualmie Police Department
By: _____
Chief

City of Tukwila
By: _____
Date: _____

Approval Recommended
Tukwila Police Department
By: _____
Chief

University of Washington
By: _____
Date: _____

Approval Recommended
University of Washington
Police Department
By: _____
Chief