

RESERVE
SNOHOMISH COUNTY
EXECUTIVE OFFICE

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



CO00026099

ORDINANCE NO. 90-173

AN ORDINANCE ESTABLISHING THE
ANTIPROFITEERING REVOLVING FUND

WHEREAS, the County Council finds that law enforcement and public safety will be promoted by the establishment of an antiprofitteering revolving fund; and

WHEREAS, the antiprofitteering revolving fund will be administered by the county prosecuting attorney and used for the investigation and prosecution of offenses which are included within the definition of criminal profiteering, including civil enforcement, set forth in Chapter 9A.82 RCW; and

WHEREAS, establishment of the antiprofitteering revolving fund is authorized by RCW 9A.82.110(4).

THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to Title 4 of the Snohomish County Code to read:

CHAPTER 4.55

Antiprofitteering Revolving Fund

Sections:

- 4.55.010 Creation of fund
- 4.55.020 Revenues
- 4.55.030 Disbursements
- 4.55.040 Fund maximum
- 4.55.050 Accounting function
- 4.55.060 Annual report
- 4.55.070 Construction and purpose

4.55.010 Creation of fund. There is created the antiprofitteering revolving fund which shall be administered by the prosecuting attorney under the conditions and for the purposes provided in RCW 9A.82.110(4) and this chapter.

4.55.020 Revenues. (1) Any property, proceeds, contractual right, claim, or other interest forfeited to or otherwise recovered by the county or antiprofitteering revolving fund under Chapter 9A.82 RCW, as now existing or hereafter amended, whether by final judgment, settlement, or otherwise, shall be deposited in the antiprofitteering revolving fund.

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(2) Any property, proceeds, contractual right, claim, or other interest received by the county after being forfeited to or otherwise recovered by the United States or any state or local government as a result of enforcement of a civil or criminal statute pertaining to any offense included in the definition of criminal profiteering set forth in Chapter 9A.82 RCW, as now existing or hereafter amended, shall be deposited in the antiprofitteering revolving fund.

(3) Any prosecution and investigation costs, including attorney's fees, recovered by the prosecuting attorney as a result of enforcement of a civil or criminal statute pertaining to any offense included in the definition of criminal profiteering set forth in Chapter 9A.82 RCW, as now existing or hereafter amended, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the antiprofitteering revolving fund.

(4) In an action brought by the prosecuting attorney on behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county prevails, any payment ordered in excess of the actual damages sustained shall be deposited in the public safety and education account in the state general fund.

(5) Interest and other proceeds from deposit or investment of the antiprofitteering revolving fund shall be deposited in the antiprofitteering revolving fund.

4.55.030 Disbursements. (1) The monies in the antiprofitteering revolving fund shall be used by the prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the prosecuting attorney, included in the definition of criminal profiteering set forth in Chapter 9A.82 RCW, as now existing or hereafter amended, including civil enforcement.

(2) Disbursements from the antiprofitteering revolving fund shall be on authorization of the prosecuting attorney. No appropriation is required for disbursements, as provided in RCW 9A.82.110.

4.55.040 Fund maximum. (1) The maximum level of monies in the antiprofitteering revolving fund shall be \$500,000.

(2) Monies exceeding the maximum level shall be transferred to the current expense fund.

4.55.050 Accounting function. (1) The department of budget and finance shall perform accounting procedures as required by law for administration of the antiprofitteering revolving fund.

(2) The county executive shall designate a fund manager, whose name and title shall appear on the master list of fund managers maintained in the department of budget and finance, to manage the antiprofitteering revolving fund under the direction of the prosecuting attorney. Any responsibilities relating to appropriations set out in SCC 4.05.050 shall not apply to the fund manager.

4.55.060 Annual report. The county executive shall in the preliminary budget submitted to the county council under the county charter and SCC 4.26.020 report the assets of the antiprofitteering revolving fund and estimate the additional revenues, if any, to be deposited before the end of the next budget year. Except as provided in this section, Chapter 4.26 SCC shall not apply to the antiprofitteering revolving fund.

4.55.070 Construction and purpose. This ordinance shall be liberally construed to make monies available for the investigation and prosecution of criminal profiteering, including civil enforcement, as determined appropriate by the prosecuting attorney.

PASSED this 7th day of November 1990.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Sp. McLaughlin
Chairperson

Approved as to Form:

[Signature]
Deputy Prosecuting Attorney

ATTEST:

Asst. Julie VanCleve
Clerk of Council

- (☒) APPROVED
(☐) VETOED
(☐) EMERGENCY

DATE: 11/8/90
Gary Weikel **GARY WEIKEL**
County Executive Executive Administrator

PUBLISHED _____ and _____

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