

RESOLUTION NO. 2017-169

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OR HIS OR HER DESIGNEE TO COMPLETE FORMS NECESSARY FOR THE RECEIPT OF FEDERAL FORFEITURE FUNDS; AUTHORIZING THE CITY ATTORNEY TO CERTIFY SAID FORMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, any state or local law enforcement agency that directly participates in an investigation or prosecution that results in a federal forfeiture may request an equitable share of the net proceeds of the forfeiture under the National Asset Forfeiture Program.

WHEREAS, a local law enforcement agency requesting federal adoption of a state or local seizure must comply with all applicable state laws and regulations pertaining to the transfer of seized property to a federal law enforcement agency;

WHEREAS, after the seizure in a joint investigation or adoption in an adoptive case, a local agency may request a share of the property by submitting a Form DAG-71, Application for Transfer of Federally Forfeited Property, to the federal seizing agency, with a separate Form DAG-71 completed for each asset to be shared;

WHEREAS, to ensure effective management, promote public confidence in the integrity of the Equitable Sharing Program, and protect the Asset Forfeiture Program against potential waste, fraud, and abuse, the Department of Justice has established for participating law enforcement agencies reporting requirements that include the annual submission of the Equitable Sharing Agreement and Certification form and, if applicable, an audit report;

WHEREAS, a local law enforcement agency must be in compliance with said reporting requirements to receive any distribution of money or property under the Equitable Sharing Program, and an agency is considered to be in compliance once the Equitable Sharing Agreement and Certification form is submitted electronically and the signed Affidavit/Signature page is received within the required deadlines;

WHEREAS, the application for transfer of funds, Form DAG-71, must be completed by the contact person, who is defined as the person who has knowledge of the case and will be able to answer questions about the investigation, and must be signed by the head of the local agency or his or her designee certifying authority to complete the form and compliance with the asset forfeiture program;


WHEREAS, the City of Powder Springs (the "City") participates in the national asset forfeiture program to share federal forfeiture proceeds and complies with annual reporting requirements, and it desires to specify that the Chief of Police or his or her designee is authorized to complete, execute and submit forms necessary to receive an equitable share of forfeiture funds, subject to certification of said forms by the City Attorney and the City's annual compliance with the reporting requirements of the equitable sharing program;

[signature page follows]

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NOW THEREFORE, be it hereby resolved by the Mayor and Council of the City of Powder Springs that the Chief of Police or his or her designee is authorized to complete, execute and submit forms necessary for the receipt of federal forfeiture proceeds, and the City Attorney is authorized to sign said forms certifying that the Chief of Police or his or her designee is authorized to execute said forms and receive said funds. This resolution shall be effective immediately upon adoption.

SO RESOLVED this 4th day of December, 2017.

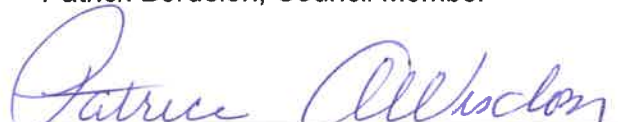

Albert Thurman, Mayor


Cheryl Sarvis, Council Member


Doris Dawkins, Council Member


Nancy Hudson, Council Member


Patrick Bordelon, Council Member


Patricia Wisdom, Council Member

ATTEST:
Kelly Axt, City Clerk

