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FILED  
YAMHILL COUNTY, OREGON  
1985 DEC 17 PM 4:49  
CHARLES STEWART  
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

85-787

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
 Amending Ordinance 419, the )  
 Forfeiture Ordinance of Yamhill )  
 County, to Provide for an ) ORDINANCE NO. 424  
 Amended Distribution Procedure )  
 for the Proceeds of Forfeitures )  
 Pursuant to that Ordinance, and )  
 Declaring an Emergency to Exist )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of County business, in special session, on the 11th day of December, 1985, at 10:00 a.m., Commissioners Ted Lopuszynski, Donald D. Porter and David E. Bishop being present.

WHEREAS, on the 28th day of August, 1985, Yamhill County Board of Commissioners adopted Ordinance 419, known as the Forfeiture Ordinance of Yamhill County, for the purpose of providing for the forfeiture of instrumentalities and proceeds of illegal activity; and

WHEREAS, said Ordinance 419 provides for distribution procedure for the proceeds of any forfeitures pursuant to that ordinance; and

WHEREAS, said distribution procedure placed unwarranted restrictions on the freedom of the cities of Yamhill County to properly utilize said funds; and

WHEREAS, the consent and utilization of said ordinance within the incorporated limits of the cities of Yamhill County is necessary for the ordinance to have its proper effect; and

WHEREAS, it would be in the best interests of the citizens of Yamhill County to amend said distribution procedure in order to insure the full cooperation of the cities of Yamhill County, NOW THEREFORE,

IT IS HEREBY ORDAINED by the Yamhill County Board of Commissioners as follows:

Section 1. That Yamhill County Ordinance 419 be and hereby is amended by deleting subsection 7.03(2) and (3) in their entirety and replacing them with the following language:

7.03(2) The proceeds of any distribution or sale of any property shall, after reimbursement for the cost of sale and reimbursement for any out-of-pocket costs in securing and keeping the property, be disbursed as follows:

- (a) 40% to the county general fund to be utilized as reimbursement to the County Counsel's office for the cost of litigation, for law enforcement purposes, for criminal prosecution and crime victim assistance.

- (b) If the investigating agency is the Yamhill County Sheriff's office and the illegal activity which gave rise to the seizure occurred in the unincorporated area of Yamhill County, 60% to the county general fund to be reflected as revenue of the Yamhill County Sheriff's Office.
- (c) If the investigating agency is a police department of a city lying within the geographical limits of Yamhill County, and said city has consented to the operation of this ordinance within its incorporated limits, 60% to the general fund of said city.
- (d) If the investigation resulting in the seizure is a joint operation of the Yamhill County Sheriff's office and a city qualifying under subsection (c) above or a joint operation of two or more cities qualifying under subsection (c) above, 60% to be divided as agreed upon by the respective agencies. In the event the agencies cannot agree as to the allocation of the proceeds, the Board shall divide the proceeds in accordance with the percentage efforts undertaken by the respective agencies.
- (e) If the property is seized pursuant to this ordinance primarily as a result of a state police investigation or an investigation by a police agency not from Yamhill County, 60% to the jurisdiction in which the illegal activity took place.

7.03(2) Notwithstanding subsection 7.03(2) above, the Board may upon recommendation of the district attorney authorize disbursement of all or part of the proceeds to the victim of the illegal activity if the illegal activity constituted a crime against a person, a crime against property or a crime of fraud. If the Board elects to make a distribution under this subsection which is less than the whole of the proceeds the balance will be distributed under subsection 7.03(2) with each recipient receiving its proportionate share of the proceeds.

Section 2. This ordinance being necessary to preserve the health, welfare and safety of the citizens of Yamhill County and an emergency having been declared to exist shall be effective immediately upon passage hereof.

DATED this 11th day of December, 1985, McMinnville, Oregon.

ATTEST:



CHARLES STERN  
County Clerk

By: Elaine Pearcey  
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:  
Daryl S. Garrettson  
DARYL S. GARRETTSON  
County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Lopuszynski  
Chairman TED LOPUSZYNSKI

Donald D. Porter  
Commissioner DONALD D. PORTER

David E. Bishop  
Commissioner DAVID E. BISHOP