

RESOLUTION No. 3 6 8 1 8

Direct the City Attorney's Office to act as civil forfeiture counsel for the City of Portland (Resolution)

WHEREAS, the Oregon State Legislature found that the proceeds and instrumentalities of criminal conduct should be forfeited, the rights and interests of affected persons protected, and the laws of the state relating to civil forfeiture of property based on criminal conduct should be uniform throughout the state; and

WHEREAS, Oregon Revised Statute Chapter 131A sets forth the procedures and limitations governing the civil forfeiture of real and personal property by a forfeiting agency; and

WHEREAS, the City of Portland is a "forfeiting agency" as defined in ORS 131A.005(4); and

WHEREAS, ORS 131A requires a forfeiting agency to designate forfeiture counsel to represent the agency in forfeiture proceedings; and

WHEREAS, the City Attorney has the authority to institute legal proceedings for the City on direction by resolution of the Council; and

WHEREAS, the City Attorney may enter into contracts with outside counsel; and

WHEREAS, the City Attorney may determine which outside counsel to engage for any particular matter, taking into account factors bearing upon the likelihood of advancing the City's interests and achieving the desired outcome.

NOW, THEREFORE, BE IT RESOLVED, that the City of Portland directs the City Attorney or her designee to act as forfeiture counsel, instituting such legal proceedings for the City as are appropriate; and

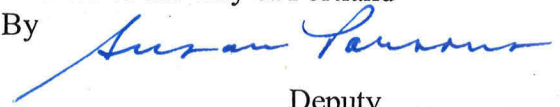
BE IT FURTHER RESOLVED, that the City Attorney acting in her capacity as forfeiture counsel may enter into contracts with outside counsel to provide forfeiture counsel services.

Adopted by the Council: OCT 13 2010

Mayor Sam Adams
Prepared by: Ellen Osoinach
Date Prepared: September 28, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By

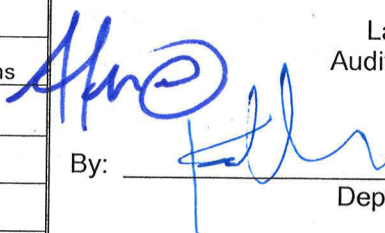



Deputy

✓140

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 Agenda No. **3 6 8 1 8**
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INTRODUCED BY Mayor Sam Adams	CLERK USE: DATE FILED <u>OCT 08 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	<div style="text-align: right;"> LaVonne Griffin-Valade Auditor of the City of Portland </div> <div style="margin-top: 20px;"> By:  Deputy </div>
BUREAU APPROVAL Bureau: City Attorney's Office Bureau Head: Linda Meng	ACTION TAKEN:
Prepared by: Ellen Osoinach Date Prepared: September 28, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date October 6, 2010	
City Attorney Approval 	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	_____	_____
Adams	Adams	✓	