

RESOLUTION NO. 2023-59

KOOTENAI COUNTY PROSECUTING ATTORNEY - SURPLUS PROPERTY

WHEREAS, *Idaho Code § 31-808* vests the Board of County Commissioners with the power and authority to manage real and personal property for the benefit of the County; and

WHEREAS, *Idaho Code § 31-829* provides that whenever any elected official has any personal property belonging to the county under his/her jurisdiction or control which, in his/her judgment, is of no further use to the county, he/she may, with the consent of the Board of County Commissioners, have the property declared as surplus and dispose of the property through sale or other means; and,

WHEREAS, *Idaho Code § 37-2744(IV)(ii)* provides that if vehicles [obtained through civil asset forfeiture proceedings] are sold at public auction, the attorney general, or appropriate prosecuting attorney, shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the property.

WHEREAS, the Kootenai County Prosecuting Attorney has obtained through civil asset forfeiture proceedings the following described vehicles:

<u>Year</u>	<u>Vehicle Description</u>	<u>VIN</u>
1998	Lincoln Continental	1LNFM97V5WY625438
1998	Chevy Tahoe	1GNEK13R8WJ306406
1998	Dodge Ram	1B7KF23Z2WJ260142
2006	Ford Explorer	1FMEU73E36UB64284
2011	BMW 328i	WBAPH5G58BNM75386

The vehicles are of no use to Kootenai County, and the sale of the same would generate income for the County and the law enforcement agency involved in the investigation; and,

WHEREAS, each of the vehicles described hereinabove has a value in excess of \$250; and

WHEREAS, the Kootenai County Prosecuting Attorney does have possession of the original Certificates of Title for the vehicles; and,

WHEREAS, the Kootenai County Prosecuting Attorney desires to have the vehicles declared as surplus property, and as such, to be disposed of by the County at public auction.

WHEREAS, the Kootenai County Prosecuting Attorney has entered into agreements with law enforcement agencies that results in the distribution of vehicle sale proceeds of 85% to the law enforcement agency and 15% to the Prosecuting Attorney's Office after litigation costs are paid.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the vehicles described hereinabove be, and hereby are, declared to be surplus property, and, in accordance therewith, said vehicles shall be sold at public auction to the highest bidder in accordance with *Idaho Code* § 31-808, and the proceeds distributed as described above.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Brooks, and seconded by Commissioner Mattare, the following vote was recorded:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the 27th day of June, 2023.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST
JENNIFER LOCKE, CLERK**



Leslie Duncan, Commissioner - Signed 6/27/2023



Teri Johnston, Deputy Clerk - Signed 6/28/2023



Bruce E. Mattare, Commissioner - Signed 6/27/2023



Bill Brooks, Commissioner - Signed 6/28/2023