

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

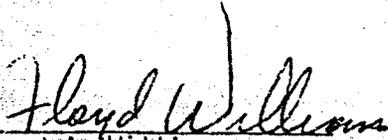
October 4, 1989

SUBJECT: AMENDMENTS TO LODI MUNICIPAL CODE SECTION 3.24.010, 3.24.020 AND 3.24.040 REGARDING THE RETENTION OF LOST OR UNCLAIMED PROPERTY.

It is requested that the Lodi City Council introduce Ordinance #1462 amending Sections 3.24.010, 3.24.020, and 3.24.040 of the Lodi Municipal Code pertaining to the retention of lost or unclaimed property.

Please refer to an attached memo from Captain Jerry Adams and a sample Ordinance prepared by City Attorney Bob McNatt.

Respectfully submitted,



Floyd A. Williams
Chief of Police

L O D I P O L I C E D E P A R T M E N T

M e m o r a n d u m

To: Floyd A. Williams
Chief of Police

From: Captain Jerry J. Adams

Date: August 25, 1989

Subject: Bicycle Storage

PROBLEM: Bicycles and other unclaimed property continues to pose storage problems. The bicycle storage area is full and additional evidence and property storage space is under construction in the basement.

ISSUES: State law requires the agency to retain evidence prior to, and during court proceedings until final disposition. The Civil Code requires an agency to retain unclaimed property for a period of at least three (3) months, refer to section 2080.4 CC (Attached).

The Lodi Municipal Code requires our agency to retain unclaimed property for a period of at least six (6) months, refer to section 3.24.010 LCC (Attached).

DISCUSSION: As the City of Lodi grows, and storage space declines it is imperative that we streamline our property retention policies. As state law guides property retention requirements we need not place additional burdens by storing property longer than required.

SOLUTION: Amend Lodi Municipal Code to change section 3.24.010 to require the retention of unclaimed property for three (3) months.

Respectfully Submitted,



Captain Jerry J. Adams
Services Division Commander

JJA/dg

§ 2080.3

LOST AND UNCLAIMED PROPERTY
Div. 3

Historical Note

The 1970 amendment provided that title shall vest if no owner appears "and the person who found or saved the property pays the cost of such publication"; and added the last sentence in the first paragraph.

The 1971 amendment added subd. (a) designation: required reported value of \$25 or more (nor \$50 or more; see 1977 amendment note) in subd. (a); and added subd. (b).

The 1977 amendment increased the money amount from \$25 to \$50 in two places.

Former § 2080.3, added by Stats.1951, c. 656, p. 1866, § 2, amended by Stats.1953, 602, p. 1847, § 3, relating to valuation and description lists by appraisers, was repealed by Stats.1967, c. 1512, p. 3601, § 2.

Derivation: Former § 1871, enacted 1872, amended by Stats.1905, c. 453, p. 614, § 2.

Former §§ 2080.5, 2080.6, added by Stats. 1951, c. 656, p. 1867, § 2.

Forms

See West's California Code Forms. Civil.

§ 2080.4. Local regulations

Notwithstanding the provisions of Section 2080.3 or Section 2080.6, the legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property shall be held by the police department or sheriff for a period of at least three months, and (2) that thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the local government purchasing and stores agency or other similar agency for sale to the public at public auction. If such property is transferred to a county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession. If the local government purchasing and stores agency or other similar agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

(Added by Stats.1967, c. 1512, p. 3601, § 3. Amended by Stats.1969, c. 857, p. 1689, § 1; Stats.1983, c. 878, § 1;

- 3.24.020 Auction sale.
- 3.24.030 Redemption prior to sale.
- 3.24.040 Valueless property — Perishable property.
- 3.24.050 Safekeeping charge.

3.24.010 Retention for six months.

Any unclaimed property in the custody of the police department of the city shall be kept by the department under **lock** and key in a place accessible only to authorized members of the department for a period of **at least six months** from the date on which the property came into the custody of the department. All such **unclaimed** property shall be tagged or **otherwise** marked to show date received and from whom or how received. **A** record shall also be maintained by the **police** department setting forth the above data, **a** description of the property and its disposition. (Prior code § 13-1)

3.24.020 Auction sale.

At such times **as** the chief of police **may** determine necessary, so much of the unclaimed property in the custody of the police department which has been held for more than **six** months shall **be** sold at public auction, the time and place of such sale to be published **at least five days** before the sale in the newspaper of general circulation to which the city council has awarded the **contract** for publication of legal notices required by law to be published in **a** newspaper of general circulation. The auction may be held and conducted by the chief of police or by any person selected by him to conduct the same. Sales must be for cash, at least ten percent of the amount bid deposited with

the bid, the balance to be paid on delivery of the article sold. **All** sales are final with no **right** of redemption unless specifically provided by law. The chief of police or the person designated by him may give the buyer **a** bill of sale describing the article sold, the amount paid and the date of sale. All moneys received **as** proceeds of the sale shall be deposited with the director of finance **to** the credit of the general fund of the city. (Prior code § 13-2)

3.24.030 Redemption prior to sale.

All unclaimed property in the custody of the police department is subject to redemption, before its sale as provided in the preceding section, by its legal owner or his authorized representative, upon proof of ownership and proper identification. (Prior code § 13-3)

3.24.040 Valueless property — Perishable property.

Unclaimed property of no monetary value may be **destroyed by the chief of police with consent of the city manager.** Perishable property may be sold without notice and the proceeds thereof held for the benefit of the legal owner for at least six months, when, if such proceeds are unclaimed, they shall be paid into the city treasury **as** in the case of sales of other property. (Prior code § 13-4)

3.24.050 Safekeeping charge.

The owner of any property coming into the **custody** of the police department as unclaimed may be assessed **a** reasonable charge for the safekeeping thereof. If it be necessary that the same be placed for safekeeping in **a** warehouse, the owner shall be liable for the total amount of the

ORDINANCE NO. 1462

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING CHAPTER 3.24 RELATING TO LOST AND UNCLAIMED PROPERTY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1 Lodi Municipal Code Chapter 3.24 - Lost and Unclaimed Property, §§ 3.24.010, 3.24.020, and 3.24.040 is hereby amended to read as follows:

"3.24.010 Retention For Three Months.

"Any unclaimed property in the custody of the Police Department of the City shall be kept by the Department under lock and key in a place accessible only to authorized members of the Department for a period of at least three months from the date on which the property came into the custody of the Department.

..."

"3.24.020 Auction Sale.

"At such times as the Chief of Police may determine necessary, so much of the unclaimed property in the custody of the Police Department which has been held for more than three months shall be sold at public auction, ..."

"3.24.040 Valueless Property -- Perishable Property.

"Unclaimed property of no monetary value may be destroyed by the Chief of Police with consent of the City Manager. Perishable property may be sold without notice and the proceeds

thereof held for the benefit of the legal owner for at least three months, when, if such proceeds are unclaimed, they shall be paid into the City treasury as in the case of sales of other property."

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

JOHN R. SNIDER
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1462 was introduced at a regular meeting of the City Council of the City of Lodi held October 4, 1989 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes : Council Members -
Noes : Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1462 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1462/TXTA.01V