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REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street. Sacramento. CA 95814-2671

CONSENT
October 16, 2007

Honorable Members of the
Law and Legislation Committee

Title: Ordinance: Donation of Unclaimed Personal Property

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee approve and forward to Mayor and Council the proposed amendment which was drafted to comply with State law. The proposed amendment allows the Chief of Police to donate, not only toys and bikes, but other unclaimed or surplus personal property to programs or activities designed to prevent juvenile delinquency.

Contact: Jim Maccoun, Captain, (916) 808-0417

Presenters: Not applicable

Department: Police

Division: Office of Technical Services

Organization No: 2155

Description/Analysis

Issue: Currently, section 3.84.030 of the Sacramento City Code allows the Chief of Police to donate only bicycles and toys to qualifying organizations for the benefit of needy children residing in the city. Section 3.80.030F of the City Code requires that any other donation of surplus items to charitable organizations be approved by council resolution.

The amended ordinance would allow the Chief of Police to donate unclaimed or surplus property with a value of less than $500 to non-profit youth organizations. The receiving non-profit organization must be authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency.

Policy Considerations: An amendment to the existing City Ordinance is necessary in order to comply with new state codes and city requirements. In addition to changing the restrictions regarding the type of donations allowed, the amended ordinance would also identify the correct civil code numbers related to lost and unclaimed property. A non-substantive language change would also be made to the last paragraph.

Environmental Considerations: This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines, and is otherwise exempt

pursuant to Section 15061(b)(3) (no significant effect on the environment) of the CEQA Guidelines.

Rationale for Recommendation: Currently, some unclaimed/surplus items are disposed of in waste sites because they have little, if any, auction value. Proceeds from items that are sold at auction are returned for City use. A better and more efficient use of these items would be to donate them to youth programs.

Financial Considerations: Historically, revenue from public auction of City surplus items generated from the Police Department is approximately $2,000 to $3,000 per month. Any loss of revenue from these items as a result of the proposed amendment would be minimal.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of the proposed ordinance.

Respectfully Submitted by: _____
Jim Maccoun, Captain

Approved by: _____
Albert Najera, Chief of Police

Recommendation Approved:

for _____
RAY KERRIDGE
City Manager

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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 3.84 OF THE SACRAMENTO CITY CODE RELATING TO LOST AND UNCLAIMED PROPERTY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 3.84.020 is amended to read as follows:

The police department shall comply with Sections 2080 through 2080.7 of the California Civil Code in the restoration of found property to the owner or finder.

SECTION 2.

Section 3.84.030 is amended to read as follows:

If, after the expiration of the three month time period specified in Section 2080.4 of the California Civil Code and after notice is published as required by Section 2080.3 of the California Civil Code, the owner fails to redeem the property as hereinbefore set forth, or if the finder of such property fails to pay the cost of publication of the notice concerning such property, or otherwise fails to claim the property, the chief of police shall cause such property to be transferred to the procurement services division of the city; provided, however, that if the property shall consist of personal property with a value of not more than five hundred dollars ($500), the chief of police may cause such property to be donated to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or state law, after notice has been provided in accordance with California Welfare and Institutions Code section 217, as it now exists or should hereafter be amended; and provided further, that if the property shall consist of money, it shall be deposited in the city treasury for disposition as provided by law.

The procurement services division shall dispose of property transferred to it as provided above in the same manner as it shall dispose of all surplus property of the city, as provided in Sections 3.80.030 through 3.80.050 of this title.

Upon the transfer of such property to the procurement services division, the owner of such property, or the finder thereof, shall not thereafter be entitled to redeem such property.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective: