



ORDINANCE NO. _____

AN ORDINANCE ADDRESSING the storage and disposal of unclaimed property in El Dorado County.

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN that Chapter 86 of Title 8 of the El Dorado County Ordinance Code, entitled "Unclaimed Property," is hereby amended to read as follows:

CHAPTER 8.86
UNCLAIMED PROPERTY

Section 8.86.010. - Care.

A. All unclaimed property shall be held by the Sheriff's Department for a period of at least 95 days; thereafter such property will be sold or disposed of under section 8.86.020.

B. The owner of found, stored, or impounded personal property may repossess the personal property upon submitting satisfactory proof of ownership before expiration of the required 95 days of storage by the Sheriff. A person may establish satisfactory proof of ownership by, among other methods, describing the date and location from which the personal property was impounded or lost and providing a reasonably specific and detailed description of the personal property. Government-issued identification is not required to claim impounded or lost personal property.

C. The Sheriff's Department shall maintain a written record of the date any found or impounded personal property is sold or disposed. The County shall not be required to undertake any search for or return any personal property stored for longer than 95 days.

Section 8.86.020. - Disposal.

A. If, after 95 days of storage, no owner appears and proves his or her ownership of the property and the owner has not been found with the exercise of reasonable diligence, either:

1. The property may be sold at public auction to the highest bidder. Notice of the sale shall be given by the Sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the County. If, after the publication of the notice, no owner appears and proves his or her ownership of the property before the sale date posted in the notice and the person

who found the property pays the cost of publication, title shall vest in the person who found the property unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction. If title does not vest in the person who found the property, the property shall be sold at public auction. Title to the property shall not vest in the person who found the property or in the successful bidder at the public auction unless the cost of publication is first paid to the Sheriff's Department. Any property remaining unsold after being offered at public auction may be destroyed or otherwise disposed of by the County or may be transferred to the County Procurement and Contracts Division.

2. The property may be transferred directly to the County Procurement and Contracts Division. If the property is transferred to the Procurement and Contracts Division, it may be sold in the manner provided by Article 7 (commencing with Government Code 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 Procurement and Contracts Division pursuant to this section, the property shall not be redeemable by the owner or any other person entitled to possession. If the Procurement and Contracts Division determines that any such property transferred to it for sale is needed for a public use, the property may be retained by the County and need not be sold. The Procurement and Contracts Division may determine that public use includes turning the property over to any County department to serve a public use.

B. The provisions of this chapter have no application to things that have been intentionally abandoned by their owner.

Section 8.86.030. - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 20__, by the following vote of said Board:

Ordinance No. _____

Page 3 of 3

ATTEST

JAMES S. MITRISIN

Clerk of the Board of Supervisors

Deputy Clerk

Ayes:

Noes:

Absent:

Chair, Board of Supervisors

**APPROVED AS TO FORM
MICHAEL J. CICCOTZI
COUNTY COUNSEL**

By: Bre Moebius

Breann M. Moebius
Deputy County Counsel