



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-30

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL COUNSEL

Gary J. Anderson
Charles M. Gale
Anne C. Lattime
Howard D. Russell

DEPUTY

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilnita
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Katrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin Weesner-McKinley
Theodore B. Zinger

May 5, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending Long Beach Municipal Code Chapter 2.78, governing the sale of unclaimed property, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request of February 4, 2020, the attached ordinance has been prepared and is submitted for your consideration. This ordinance formalizes the current practices of the City regarding the sale of unclaimed property acquired by City departments, including the Police Department and Towing & Lien Sale Division of the Fleet Services Bureau in the Financial Management Department.

A redline of the changes made to Long Beach Municipal Code Chapter 2.78 has been included for your reference.

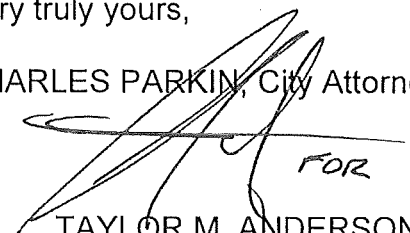
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


TAYLOR M. ANDERSON
Deputy City Attorney

TMA:dib A20-00123
01144492.doc

REDLINE

CHAPTER 2.78 - UNCLAIMED PROPERTY

2.78.010 - Inventory.

The ~~Chief of Police~~City Manager or designee shall, on or before the first Monday in November of each year, and may, at other times which in ~~his~~their discretion appear desirable, make an inventory of all personal property which has come into the possession of the ~~Police Department~~City of Long Beach (City) and has been unclaimed by the owner and will, at the time of any proposed sale or public use, have been in the possession of the ~~Police Department~~City for at least three (3) months. Such inventory shall give a brief description of all property so held.

2.78.020 - Sale—Notice.

~~Such inventory shall give a brief description of all property so held.~~ Public notice shall be given by publication in the official newspaper of the City at least five (5) days prior to any proposed sale. The notice shall contain a brief description of property to be sold, the time, place and manner of sale. It shall also contain a brief description of property to be kept or destroyed, and a statement that all of the listed property will be either sold, kept or destroyed if not claimed by the owner before the date set for sale.

2.78.030 - Weapons, burglar's tools and liquor.

Any arms ~~, or weapons,~~ ~~except those arms or weapons considered by the Chief of Police to have value with respect to sporting, recreational or collection purposes,~~ or burglar's tools listed in the notice shall be kept or destroyed by the City Police Department, the ~~Chief of Police~~City Manager or designee to decide in ~~his~~their discretion whether any of such items should be kept or destroyed. All liquors listed in the notice shall be destroyed at the discretion of the ~~Chief of Police~~City Manager or designee.

2.78.040 - Sale—Date.

The ~~Chief of Police~~City Manager or designee shall, on the first Saturday in December of each year, and may, at other times in ~~his~~their discretion, sell at public auction to the highest bidder all property except arms, weapons, burglar's tools, liquors, drugs, and property to be kept for public use. ~~Arms or weapons considered by the Chief of Police to have value with respect to sporting, recreational or collection purposes, may annually, between the first and tenth days of July, be offered for sale at public auction to persons licensed under federal law to engage in business involving any weapon purchased.~~ Property that is needed or desired for public use will not be sold at public auction.

2.78.050 - Sale—Deposit of proceeds.

All money received from the sale of such property shall be deposited in the general purpose fund of the City.

2.78.060 - Unsold property disposition.

Any unclaimed property which has been properly inventoried, which is not being kept for public use, and which has been offered for sale and not sold may be summarily destroyed by the City Manager or designee~~Chief of Police~~.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING CHAPTER 2.78
RELATING TO THE SALE OF UNCLAIMED PROPERTY

WHEREAS, the Towing & Lien Sale Division of the Fleet Services Bureau (Towing), in the Financial Management Department, is responsible for City towing and storage of vehicles impounded at the request of the Police, Public Works or Parks, Recreation and Marine Departments; and

WHEREAS, in the process of its duties, Towing stores unclaimed personal property, as well as other evidence from towed vehicles, as directed by the Police Department; and

WHEREAS, before any vehicle is legally cleared for auction, an inventory of each vehicle's contents is performed to ensure no contraband, personal identification, or firearms are sold with the vehicle; and

WHEREAS, personal property is released to its rightful owner prior to the lien sale, provided the claimant can verify ownership and as allowed by policy and law; and

WHEREAS, unclaimed property not designated as evidence by the Police Department, is consolidated and palletized for auction during bi-weekly lien sales; and

WHEREAS, secured space for storage of these articles is extremely limited at the Towing facility on Willow Street; and

WHEREAS, the amendments herein will formalize the towing and lien sale activities of unclaimed property conducted by the Financial Management Department and broadens the scope of the of the City's authority under the Long Beach Municipal Code to allow for the sale of unclaimed property acquired through other City business activities,

1 not just the Police Department;

2 NOW, THEREFORE, The City Council of the City of Long Beach does
3 hereby ordain as follows:

4
5 Section 1. Chapter 2.78 of the Long Beach Municipal Code is amended
6 and restated as follows:

7 CHAPTER 2.78 UNCLAIMED PROPERTY

8 2.78.010 Inventory.

9 The City Manager or designee shall, on or before the first Monday in
10 November of each year, and may, at other times which in their discretion appear
11 desirable, make an inventory of all personal property which has come into the
12 possession of the City of Long Beach (City) and has been unclaimed by the owner
13 and will, at the time of any proposed sale or public use, have been in the
14 possession of the City for at least three (3) months. Such inventory shall give a
15 brief description of all property so held.

16 2.78.020 Sale—Notice.

17 Public notice shall be given by publication in the official newspaper of the
18 City at least five (5) days prior to any proposed sale. The notice shall contain a
19 brief description of property to be sold, the time, place, and manner of sale. It shall
20 also contain a brief description of property to be kept or destroyed, and a
21 statement that all of the listed property will be either sold, kept or destroyed if not
22 claimed by the owner before the date set for sale.

23 2.78.030 Weapons, burglar's tools and liquor.

24 Any arms, weapons, or burglar's tools listed in the notice shall be kept or
25 destroyed by the City, the City Manager or designee to decide in their discretion
26 whether any of such items should be kept or destroyed. All liquors listed in the
27 notice shall be destroyed at the discretion of the City Manager or designee.

28 ///

1 2.78.040 Sale—Date.

2 The City Manager or designee shall, on the first Saturday in December of
3 each year, and may, at other times in their discretion, sell at public auction to the
4 highest bidder all property except arms, weapons, burglar's tools, liquors, drugs,
5 and property to be kept for public use. Property that is needed or desired for public
6 use will not be sold at public auction.

7 2.78.050 Sale—Deposit of proceeds.

8 All money received from the sale of such property shall be deposited in the
9 general purpose fund of the City.

10 2.78.060 Unsold property disposition.

11 Any unclaimed property which has been properly inventoried, which is not
12 being kept for public use, and which has been offered for sale and not sold may be
13 summarily destroyed by the City Manager or designee.

14
15 Section 2. The City Clerk shall certify to the passage of this ordinance by
16 the City Council and cause it to be posted in three (3) conspicuous places in the City of
17 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
18 Mayor.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing Ordinance was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2020,
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor