

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Personal Property Sale Procedures and
Amending Section 2.835 of the Eugene Code, 1971

Meeting Date: October 25, 2010
Department: Eugene Police
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Captain Chuck Tilby
Contact Telephone Number: 541-682-5114

ISSUE STATEMENT

This is an opportunity for the City Council to take action on an amendment to Eugene Code 2.835 Personal Property Sale Procedures – Preceding Sale. The amendment is necessary to update the Eugene Code to reflect Oregon Revised Statutes (ORS) regarding the posting and publishing of found property prior to its sale.

BACKGROUND

The State of Oregon in ORS 98.245(2)(b) establishes procedures for the sale of unclaimed property by law enforcement agencies. Oregon statutes define “unclaimed property” as “personal property that was seized by a removing authority as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of that removing authority for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.”

Chapter 2 of the Eugene Code provides procedures, based on State statutes, which govern the Police Department’s responsibilities to attempt to return property to its rightful owner. The State statutes have been amended, lengthening the period of time from 30 to 60 days that a police department should attempt to find the legal owner or other interested person before publishing a notice in the newspaper describing the finding. This change to ORS also reduced a costly procedure of publishing a notice describing the property findings in a newspaper once each week for four consecutive weeks to one publication. Approval by the City Council of this amendment to the Eugene Code will align Eugene’s property sale procedures to Oregon state law.

As stated in Chapter 2 of the Eugene Code, the Police Department must make diligent inquiry to identify the owners of found property and to notify the legal owners of property when personal property is held by the Police Department. In 2009, the Property Control Unit of the Eugene Police Department (EPD) sold approximately 600 lots of unclaimed property at public auction, recovering \$20,364 from the six public auctions, eBay and recycling. The timely removal of these items of found property from the secure storage facility operated by EPD is important for several reasons. First, the Police Department wishes to return items of property to their rightful owners and secondly, the property takes up

approximately 15 percent of limited storage capacity that is needed for police evidence storage. In 2009, after the auction company's commission and required legal publication, revenue was approximately \$1,300. (This does not include the additional expense of EPD staff time processing the items for sale.)

One typical legal publication costs the Police Department approximately \$500, depending upon the number of items listed. A reduction in cost will depend upon the quantity of stored items being listed and the frequency of notices posted in the newspaper. Using the department's average of eight Finding Notice publications in a year, annual savings would be approximately \$12,000; a 75 percent reduction of cost over current expenditures.

The council held a public hearing regarding the proposed change to Section 2.835 Personal Property Sale Procedures of the Eugene Code on October 18, 2010. No members of the public spoke in support or opposition to the proposed ordinance.

RELATED CITY POLICIES

The City has previously maintained consistency between provisions of the Eugene Code and relevant State statutes.

COUNCIL OPTIONS

City Council may:

- (1) Adopt the ordinance as presented;
- (2) Modify the ordinance and adopt it; or
- (3) Reject the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1, adopting the proposed ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5035, an ordinance amending Section 2.835 Personal Property Sale Procedures of the Eugene Code, 1971.

ATTACHMENTS

A. Proposed Ordinance Amendment to Section 2.835 of Eugene Code

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING PERSONAL PROPERTY SALE PROCEDURES AND AMENDING SECTION 2.835 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (1) of Section 2.835 of the Eugene Code, 1971, is amended to provide as follows:

2.835 Personal Property Sale Procedures - Preceding Sale.

(1) If after [30] **60** days from the day the personal property valued at \$25 or more (other than any impounded motor vehicle) shall come into the possession of the police department, the owner, conditional vendor, mortgagee or other person interested therein cannot be found after due diligence as herein set out, then the chief of police shall cause to be **posted in three public places in the city and published at least once** in a newspaper printed and published in the county, a notice generally describing the finding, the property found and the final date before which the property may be claimed [~~once each week for four consecutive weeks~~].

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
____ day of _____, 2010

Approved by the Mayor this
____ day of _____, 2010

City Recorder

Mayor