



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 03/23/04

AGENDA ITEM 6

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** Chief of Police  
**SUBJECT:** Revision to the City of Hayward Retention and Disposal of Personal Property Ordinance

**RECOMMENDATION:**

It is recommended that the City Council introduce the attached ordinance amending Hayward Municipal Code relating to unclaimed personal property.

**DISCUSSION:**

Both Hayward's Municipal Code and the California Civil Code address the period of time that unclaimed personal property must be held prior to disposition. The Municipal Code requires the Police Department to retain unclaimed property for six months, which is twice as long as the State's requirement of 90 days. As a result, the Department's property storage operation is becoming overwhelmed.

Over the years, as the volume of incoming personal property has steadily increased, the capacity of our property and evidence warehouse has been exceeded. This situation places unnecessary demands on the staff responsible for receiving, indexing, maintaining the legal integrity of, and storing evidence associated with criminal investigations and prosecutions.

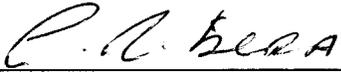
Staff recommends that the City Council introduce the attached ordinance amending the Municipal Code to conform to state law. Approval of this recommendation will change the period of time that unclaimed personal property must be held prior to disposition from six months to 90 days.

Prepared by:

A handwritten signature in black ink, appearing to read "Darryl McAllister".

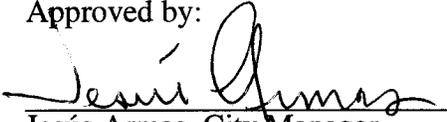
Acting Captain Darryl McAllister

Recommended by:



Phil Ribera, Acting Chief of Police

Approved by:



Jesús Armas, City Manager

Attachments: Draft Ordinance

**DRAFT**

WA  
3/17/04

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 2-5.20 AND  
2-5.21 OF CHAPTER 2 ARTICLE 5 RELATING TO THE  
RETENTION AND DISPOSAL OF PERSONAL PROPERTY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD  
DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2-5.20 and 2-5.21 of Chapter 2, Article 5 of the Hayward  
Municipal Code is hereby amended to read in full as follows:

“SEC. 2-5.20 UNCLAIMED PERSONAL PROPERTY IN HANDS OF  
POLICE DEPARTMENT. All unclaimed personal property in the possession of the Police  
Department shall be stored in a safe place by the Police Chief for at least ninety (90) days,  
except that in the case of unclaimed bicycles in the possession of the Police Department the  
Police Chief shall store such bicycles in a safe place for at least ninety (90) days. The Police  
Chief shall restore such property to its legal owner, upon proof of such ownership satisfactory  
to him and upon the payment of all reasonable necessary costs in the care and protection  
thereof, unless such property is held by the police as evidence in a pending case, in which case  
it shall be disposed of only upon order of the proper court.

SEC. 2-5.21 UNCLAIMED PERSONAL PROPERTY. NOTICE OF SALE  
OR TRANSFER. At any time after the expiration of said ninety (90) day period for the  
retention of bicycles, and the expiration of said ninety (90) day period for the retention of all  
other personal property, the Police Chief may publish once in a newspaper of general  
circulation in the City of Hayward:

(a) a notice of his intention to sell at a public auction at the time therein specified,  
certain unclaimed personal property; or

(b) a notice of his intention to transfer to the Purchasing Agent of the City at the time  
therein specified, certain unclaimed personal property for disposal or sale by said Purchasing  
Agent.”

Section 3. Severance. Should any part of this ordinance be declared by a final decision  
by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the  
authority of the City, such decision shall not affect the validity of the remainder of this ordinance,  
which shall continue in full force and effect, provided that the remainder of the ordinance, absent  
the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City  
Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2004, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 1997, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward