



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Police

**MEETING DATE:** December 18, 2018

**PREPARED BY:** Alan Sanvictores, Chief of Police

**AGENDA LOCATION:** AR-1

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**TITLE:** Amendment to Chapter 2.88 (UNCLAIMED PROPERTY) of the Monrovia Municipal Code relating to Return or Disposal of Found Property by the Police Department; Introduction and First Reading of Ordinance No. 2018-13

**OBJECTIVE:** That the City Council introduce, read by title only and waive further reading of Ordinance No. 2018-13, an Ordinance of the City Council of the City of Monrovia Amending Section 2.88.080 of the Monrovia Municipal Code Relating to Found Property.

**BACKGROUND:** The Municipal Code contains procedures and requirements that govern the return or disposition of money or property that is found in the City and turned in. That chapter of the Municipal Code, last amended in 1983, is inconsistent with the applicable provisions of the California Civil Code. The Police Department is charged with holding, returning, or disposing of lost money or property that is turned in to the City. This ordinance is a minor update to make the Municipal Code consistent with State law.

**ANALYSIS:** The Monrovia Municipal Code ("MMC") currently requires that when found money or property valued at \$50 or more is turned in to the Police Department by a member of the public, the Department must hold the money or property for at least 90 days, and then follow a notice and disposition process, and ultimately return it to the finder, if the money or property is not claimed. The \$50 threshold is outdated. The current dollar threshold under Civil Code Section 2080.3 is set at \$250. This ordinance would amend Monrovia Municipal Code Section 2.88.080 to increase the \$50 threshold to \$250. If the found money or property is worth less than \$250, it will be turned over the person who found it if it remains unclaimed after 90 days. Although this rarely occurs, found property worth more than \$250 was recently turned in to the City.

The Municipal Code already requires that money or property of any value found by City employees must be retained by the City and the value transferred to the City's General Fund if it is unclaimed.

**FISCAL IMPACT:** There is minimal fiscal impact associated with adopting the Ordinance.

**ENVIRONMENTAL IMPACT:** None.

**OPTIONS:** The following options are presented for consideration:

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- 1) Introduce and at the next City Council meeting adopt Ordinance No. 2018-13, thereby adjusting the dollar threshold for the City's found property ordinance to be consistent with State law.
- 2) Do not adopt the Ordinance and leave inconsistent provisions in the Code.

**RECOMMENDATION:** Staff and the City Attorney recommend that the City Council adjust the relevant dollar threshold.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to introduce, read by title only and waive further reading of Ordinance No. 2018-13

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MONROVIA, CALIFORNIA, AMENDING SECTION 2.88.080 OF  
THE MONROVIA MUNICIPAL CODE RELATING TO FOUND  
PROPERTY

THE CITY COUNCIL OF THE CITY OF MONROVIA DOES HEREBY ORDAIN AS  
FOLLOWS:

Section 1. Section 2.88.080 (“PROPERTY FOUND BY PERSONS OTHER THAN CITY OFFICERS OR EMPLOYEES—DISPOSITION”) is hereby amended to read as follows:

**“§ 2.88.080 PROPERTY FOUND BY PERSONS OTHER THAN CITY OFFICERS OR EMPLOYEES—DISPOSITION.**

(A) Whenever any lost money or property is delivered to the custody of the Chief of Police, other than by a person mentioned in § 2.88.020, a receipt for such money or property shall be given to such person. Such receipt shall make reference to this chapter and sections amendatory to this chapter by section number and state upon what conditions the Police Department will receive such money or property and that such property may be disposed of in accordance with the provisions of this chapter.

(B) Any such money or property which remains in such custody for a period of more than six months shall be disposed of in the manner provided in §§ 2.88.040 and 2.88.050.

(C) In the event the owner or person entitled to possession does not appear within 90 days and proves his ownership of the property, and if the property has a value of ~~\$50~~ \$250 or more, the Police Chief shall cause a notice of the property to be published at least once in a newspaper of general circulation. If after seven days following the first publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of the city, in which case the property shall be sold at public auction.

(D) If the reported value of the property is less than ~~\$50~~ \$250 and no owner appears or proves his ownership of the property within 90 days, then title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of the city.

(E) Any property not thereafter claimed by the person who found or saved the property or in the case the person who finds or saves the property fails to pay the publication fee, shall be sold pursuant to § 2.88.040. Any property not claimed or sold as provided herein may be disposed of pursuant to § 2.88.060.”

Section 2. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Monrovia hereby declares that it would have passed each section, subsection, subdivision, paragraphs, sentences, clauses or phrases be declared invalid.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

**INTRODUCED** this 18th day of December, 2018.

**PASSED, APPROVED, AND ADOPTED** this 15th day of January, 2019.

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Tom Adams, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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Alice D. Atkins, CMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia