



**Staff Report – October 12<sup>th</sup>, 2010**

**For: Prineville City Council**  
**Thru: City Manager Steve Forrester**

**Topic: Request for Authority to dispose of property**

**Department: Police**

**Staff: Chief Eric Bush**

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**Overview:**

State law establishes authority allowing cities to dispose of found or unclaimed property. Prineville City Ordinance establishes specific procedures allowing for such disposal. (Ordinance 33.01)

**City Options/Recommendation:**

By a vote of the Council authorize disposal of property listed on attached list.

**Attachments**

- Property lists
- Ordinance 33.01

# Auction List

Posted: 7/19/10

Case number	Item description	Action taken	Location of property
08 0531	pool cue stick	auction	closet
92 1648	Sony diskman	auction	closet
05 0602	baseball glove	auction	closet
98 1617	sony car cd player	auction	closet
00 0103	black hills gold ring	auction	closet
	various tools	auction	closet
	tv	auction	closet
	vhs	auction	closet
PD PROP	Cannon 35mm camera	auction	closet
PD PROP	Pentax telephoto lens	auction	closet
99 1676	BROWNING COMPOUND BOW	auction	closet
10 0560	MONGOOSE TEAM ISSUE BIKE	auction	closet
05 0832	KOSS STEREO/CD PLAYER	auction	closet
06 1006	blue fiberglass hammer	auction	closet
09 1732	ratchet tool kit	auction	closet
91 1030	cb radio	auction	closet
07 1325	next brand bike	auction	closet
09 1340	fiotekc sump pump	auction	closet
09 2016	green bike	auction	bike storage
10 2084	blue next bike	auction	bike storage
10 0101	red/silver magna bike	auction	bike storage
10 0216	red/black/gray roadmaster bike	auction	bike storage
10 0241	purple mountain fury bike	auction	bike storage
10 0430	orange next bike	auction	bike storage
10 0433	red/black next	auction	bike storage
10 0449	silver/blue next bike	auction	bike storage
10 0490	bike poss seastar brand	auction	bike storage
909170040	gold metal with clear stone	auction	closet
1002210025	gold metal ring	auction	closet
10 0887	hammer	auction	closet
06 0833	pocket watch	auction	closet
04 0362	folding pocket knife	auction	closet
07 0806 / 05 0200	various tools	auction	closet

07 1480	nylon rope	auction	closet
97 0671	huffy timberline bike green	auction	bike storage
04 0342	RCA video camera	auction	closet

**17IVE WEEKS AND PUBLIC NOTICE FOR 30 DAYS BEGINNING 7/19/10**

10 0718	tire pump/hand tools	Posted:	closet
10 1163	chair	auction	garage
10 0525	tires/misc auto parts	auction	cage in garage
10 0490	painted unknown brand bike	auction	bike storage
10 0557	silver mens Vertical Mtn bike	auction	bike storage
10 0563	pink/purple barbie bike	auction	bike storage
10 0569	dark blue murray mtn bike	auction	bike storage
10 0633	blue mongoose mtn bike	auction	bike storage
10 0859	black mtn bike	auction	bike storage
10 0867	yellow next brnx style bike	auction	bike storage
10 0920	blue roadmaster	auction	bike storage
10 0981	light blue schwinn mens 10 speed	auction	bike storage
10 1044	red outer limit brnx style bike	auction	bike storage
10 1100	white barbie bike	auction	bike storage
10 1109	orange next rampage freestyle brnx type bike	auction	bike storage
10 1149	green rand swamp rider	auction	bike storage
10 1149	purple/turq/pink murray bike	auction	bike storage
10 1198	orange haro brnx style bike	auction	bike storage
10 1307	purple painted over blue girls mtn bike	auction	bike storage
10 1364	purple huffy sea star	auction	bike storage

**17IVE WEEKS AND PUBLIC NOTICE FOR 30 DAYS BEGINNING 9/27/10**



**PRINEVILLE POLICE DEPARTMENT**  
 400 NE 3RD STREET  
 PRINEVILLE, OREGON 97754  
 541-447-4168  
 Fax: 541-447-8619



Date: 10/6/10

The following items are recommended for conversion to City use. All items were released from the case by the Crook County District Attorney's office, and are either unclaimed or have no known owner, and no evidentiary value. All steps have been taken by the Evidence Officer to attempt to return any and all property to the rightful owner.

<u>Case #</u>	<u>Item Description</u>	<u>Serial #</u>
NONE	MARLIN 81	NONE
NONE	CLERKE 1ST .22	216520
NONE	H&R 676 .22 CAL	AS25201
FP99003	SAVAGE ARMS .22LR	C848108
FP97030	MARKSMAN BBGUN	96457487
99 1222 1780	CROSSMAN AIRPISTOL	
99 0407	JENNINGS MODEL 25	564486
99 0248	MOSSBERG 22	1386254
98 1518	US REVOLVER COMP .32 PISTOL	4353
98 1146	RUGER .22	21346729
98 1069	CROSSMAN AIR PISTOL	
98 0685	OREGON ARMS CHIPMUNK .22	31860
98 0201	CROSSMAN BBGUN	
97 1184	CROSSMAN AIRGUN	
97 0919	REMINGTON 514 BOLT ACTION	NONE
97 0878	FEG HUNGARY 9MM	F8292
96 1732	BRYCO .380	460056
96 1423	SAVAGE 303 RIFLE	98039
96 1406	CROSSMAN BBGUN	
96 0465	REMINGTON 870 SHOTGUN	W501243M
96 0025	RUGER .22CAL SINGLE SIX	26156221
96 0025	DAN WESSON .357	27369
95 1770	RUGER .357	173-22525
95 1760	HAWES .22 REVOLVER	56887
95 1460	RUGER.357	32-49448
95 1448	DAVIS INDUSTRIES P.380	AP237980
94 1443	CROSSMAN AIRPISTOL	
94 1113	FN 25 AUTO	176456
94 0637	F.I.E. 8SHOT REVOLVER .22	ST24862

94 0409	REMINGTON 512 MODEL	AG68
93 1548	AMERICAN CLASSIC BBGUN	
93 0125	RUGER .22CAL SINGLE SIX	343127
92 1569	JENNINGS .22 CAL	481403
92 1569	BLACK POWDER	270483
92 1569	HELWAN 9MM	1042575
92 1569	MOSSBERG 12GA	K772303
92 0792	388 MODEL BBGUN	
92 0501	RUGER BLACKHAWK .357	3665160
92 0188	WINCHESTER 20GA	L1364642A
92 0185	KMART 151	808258
92 0169	RUGER BEARCAT	13363
92 0169	BROWNING .22LR	655PP15076
91 0393	DAN WESSON .357	357M5001053
90 0910 445	GLENFIELD MODEL 60	20366123
90 0904	SEARS	NONE
88 1131	WINCHESTER 70	289498
88 0471	REMINGTON 700	6470016
09 2089	SAVAGE 243	A774399
09 2089	MARLIN 30-30	7007025
09 1152	MOSSBERG INT PLINKSTER	EGG287993
08 0272	CROSSMAN AIR PISTOL	
08 0165	MOSSBERG 30-30	822094
07 1418	JENNINGS NINE	1493543
07 0342	MARLIN .17HMR RIFLE	95662053
07 0307	MOSSBERG 12GA	J147851
07 0224	RUGER BLACKHAWK	3770730
06 1617	SEARS 12GA PUMP ACTION	NONE
06 1617	RUGER MINI 14 .223	181-85003
06 1617	RUGER MINI 14 .223	183-03339
06 1617	MARLIN 30-30	C4386
06 1617	SMITH AND WESSON 659	A846779
06 1617	JAVELINA 10MM HANDGUN	J02629
05 2799	CROSSMAN BBGUN	
05 1952	STAR .22CAL	447051
03 1201	MOSSBERG 500A	L111563
02 2193	SMITH AND WESSON 29-3	ADC6801
02 1098	MARKSMAN BBGUN	
02 0120	REMINGTON 30-06 MODEL 740	122696
02 0120	MARLIN .22LR	9334561
02 0021	BRYCO 380 SEMI AUTO	D39462
01 0084	BERSA .380	216102

NONE	HIGH STANDARD SPORT KING .22	703282
NONE	RUGER 10-22	111-15705
96 0669	SMITH AND WESSON 422	UAD6579
95 1600	RUGER .22	216-05130
92 1505	SMITH AND WESSON .38	J251442
92 1505	REMINGTON .22LR NYLON 66	A2201935
92 0115	BEN FRANKLIN 132	B145217
09 1262	RUGER 10-22 .22LR	250-03175
06 1199	HIGH STANDARD .22	S58484
06 0746	SMITH AND WESSON .351	353743
03 1285	BB GUN	
01 1519	SMITH AND WESSON .357	7K74583
06 0611	CO2 HANDGUN/BBGUN	
01 1082	BUSHNELL BINOCULARS	

Chief's Signature \_\_\_\_\_

*Residency requirements for emergency personnel,*

*see Ch. 34*

## **DISPOSITION OF UNCLAIMED PROPERTY**

### **§ 33.01 AUTHORITY TO DISPOSE OF PROPERTY.**

Whenever the Chief of the Police Department has sufficient property to make the sale thereof financially feasible, in his/her possession, the ownership of which is unknown, and which is unclaimed for 30 days after the property came into his/her possession, he/she shall request authority to dispose of it as provided in this

subchapter.

('91 Code, § 1-5.1) (Ord. 928, passed 10-25-88)

### **§ 33.02 SALE NOTICE; CLAIMING PROPERTY BEFORE SALE.**

The City Council shall act upon the request of the Chief of Police within 30 days after the receipt of the request. If the request is to have the property disposed of by public sale, and if the Council approves the request, the Chief of Police shall cause to be posted written or printed notice of sale in three public places within the city at least ten days before the sale. The notice shall describe the property and shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of the sale, the property may be claimed at the Police Department. If ownership is proved, the Chief of Police shall turn the property over to the owner, and cancel the sale insofar as the claimed property is concerned. Any money that comes into the possession of the Chief of Police, the ownership of which is unknown and which is unclaimed for 30 days after the money came into his/her possession, may be transferred to the city's General Fund.

('91 Code, § 1-5.2) (Ord. 928, passed 10-25-88)

### **§ 33.03 SALE BIDDERS.**

Members of the City Council and officials and employees of the city shall not be allowed to bid at the sale.

('91 Code, § 1-5.3) (Ord. 928, passed 10-25-88)

### **§ 33.04 SALE; SALE PROCEEDS.**

The Chief of Police or his/her designee shall  
conduct the sale and shall deposit the proceeds thereof in the City Treasury to the credit of the City

General Fund. The cost of the sale shall be paid from the City General Fund.

('91 Code, § 1-5.4) (Ord. 928, passed 10-25-88; Am. Ord. 1033, passed 4-9-96)

### **§ 33.05 TRANSFER OF PROPERTY.**

In lieu of a sale of the property under the foregoing provisions of this act, the Chief of Police, with the approval of the City Council, may transfer any portion of unclaimed property to the city for use by the city. Use by the city shall include the city using the property itself or transferring the property if the City Council determines it is advantageous to the city to transfer the property.

('91 Code, § 4-5.5) (Ord. 928, passed 10-25-88)

### **§ 33.06 WORTHLESS PROPERTY.**

If the Chief of Police or his/her designee determines after investigation that any item of property which comes into the possession of the City Police Department has insubstantial commercial value, the Chief of Police or his/her designee may destroy or otherwise dispose of the property. The property shall not be destroyed or otherwise disposed of until it has been in the possession of the City Police Department for at least 30 days prior to the destruction or disposition.

(Ord. 1032, passed 3-26-96)

### **§ 33.07 CLAIMS BY OWNER AFTER SALE.**

If the property is sold as provided herein and if within six months after the sale, the owner of the property files with the City Council a claim for the property and proves his/her right to the same, the Council shall direct that the amount received for the property, less expenses of the sale, and less the cost of any improvements to the property shall be paid to the owner from the City Treasury. The Council shall not approve any claims filed more than six months after the sale.

('91 Code, § 1-5.6) (Ord. 928, passed 10-25-88)

### **§ 33.08 CLAIMS BY OWNER AFTER TRANSFER.**

If the property is transferred to the city in lieu of sale it may be claimed by the lawful owner thereof at any time within six months from the transfer to the city if the city still owns the property. Upon the payment to the city of any costs of any improvement to the property, the property shall be returned to the lawful owner. The council shall not approve any claims filed more than six months after the transfer.

('91 Code, § 1-5.7) (Ord. 928, passed 10-25-88)

### **§ 33.09 DISPOSAL OF PROPERTY.**

The Chief of Police, in disposing of the property in the manner provided herein, shall not be liable to

(16)



the owner thereof. Any property which has been offered at auction without sale thereof, and which the Chief of Police deems to be without value, may be disposed of or destroyed at the discretion of the Chief of Police.

(‘91 Code, § 1-5.8) (Ord. 928, passed 10-25-88)

**§ 33.10 INVENTORIES OF IMPOUNDED VEHICLES.**

(A) When a vehicle is impounded pursuant to Oregon State Statutes (currently ORS 809.720), or pursuant to City Ordinance, the contents of such vehicle shall be inventoried by a representative of the city Police Department.

(B) Such inventory should be conducted in the location in which the vehicle is seized, unless limited by reasons of safety or practicality. If the inventory is not conducted in such location it may be inventoried at a later time following impoundment.

(C) The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be

removed, they shall be inventoried before the vehicle is removed, and the owner or operator shall be requested to verify the completeness of that portion of the inventory by signature.

(D) A vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk, and glove compartment.

(E) All unlocked containers found within or on the vehicle shall be opened and the contents inventoried.

(Ord. 1109, passed 3-9-04)

**DISPOSITION OF FIREARMS AND RELATED EQUIPMENT**

**§ 33.20 APPLICABILITY OF PROVISIONS.**

This subchapter pertains to firearms and related equipment that come into the possession of the City Police Department either by order of the court or as outdated city firearms or equipment.

(Ord. 1040, passed 1-14-97)

**§ 33.21 DEFINITIONS.**

As used in this subchapter, *RELATED EQUIPMENT* includes but is not limited to holsters, magazines and ammunition.

(Ord. 1040, passed 1-14-97)

**§ 33.22 DISPOSITION METHODS.**

(A) Firearms and related equipment may be retained by the City Police Department for use by the Police Department as the Department deems necessary.

(B) The firearms and related equipment may be traded to federally licensed firearms dealers for firearms and/or other equipment needs of the City Police Department.

(C) The firearms and related equipment may be traded to other law enforcement agencies for equipment of approximately equal or greater value.

(D) The firearms and related equipment may be sold to federally licensed firearms dealers with the proceeds to go to the City General Fund for funding police equipment needs.

(E) If the Chief of Police determines any of the firearms or items of equipment are without value, that property shall be destroyed.

(Ord. 1040, passed 1-14-97)

**§ 33.23 DISPOSITION AUTHORITY.**

Before the firearms or related equipment are sold or traded, the sale or trade shall be approved by the City Council.

(Ord. 1040, passed 1-14-97)

**§ 33.24 RECORDS.**

All firearms and related equipment shall be inventoried by the City Police Department. Records shall be kept by the City Police Department of all sales, trades and other disposition of all firearms and related equipment that are subject to this subchapter.

(Ord. 1040, passed 1-14-97)

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