

RESOLUTION NO. 1843

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE ADMINISTRATIVE POLICY “DISPOSITION OF UNCLAIMED MONEY AND PROPERTY” TO CONFORM TO RECENT AMENDMENTS TO A.R.S. §12-940 *et seq.*; PROVIDING THAT IF ANY PROVISION IN THIS RESOLUTION IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Resolution No. 1029 (dated July 26, 2001), the Town Council adopted its new “Prescott Valley Policies and Procedures Manual” which consolidated all Town policies [e.g. the Personnel Manual, the Procedures Manual (first formally adopted by Resolution No. 786, September 18, 1997), and other manuals] into a single notebook made up of individual, numbered policies on various topics; and

WHEREAS, by Resolution No. 1116 (dated October 10, 2002) the Town Council adopted a new Administrative policy entitled “Disposition of Unclaimed Money and Property” (Policy No. 1-06) to establish specific procedures based upon the Arizona statutory procedure for responsible disposition of unclaimed money and property held in custody by Town officers and/or agencies; and

WHEREAS, by Resolution No. 1809 (dated September 13, 2012), the Town Council adopted amendments to Policy No. 1-06 to conform to amendments to A.R.S. §12-940 *et seq.* regarding the statutory procedures for the disposal of unclaimed property held by a state, county, city or town; and

WHEREAS, on April 29, 2013 the Arizona governor approved House Bill 2455 which substantially amended the procedures for the disposal of unclaimed firearms held by a state, county, city or town; and

WHEREAS, the Town Council desires now to amend Policy No. 1-06 to conform to the recent statutory amendments regarding the disposal of unclaimed firearms held by the Town;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA:

1. That the Administrative Policy “Disposition of Unclaimed Money and Property” be hereby amended consistent with the recent amendments to A.R.S. §12-940 *et seq.* [Note that said amended policy is attached hereto and expressly made a part hereof.]
2. That, if any provision in this Resolution is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.
3. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 25th day of July, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject: DISPOSITION OF UNCLAIMED PROPERTY	File Under Section: ADMINISTRATIVE	
Effective Date: Res. No. , 2013	Number: 1-06	Page: 1 of 4
Supersedes: Res. No. 1809, September 13, 2012 Disposition of Unclaimed Money and Property	Approved By: Larry Tarkowski Town Manager	Date: _____/S

1.0 POLICY

1.1 It is the policy of the Town of Prescott Valley to provide effective procedures for the disposal of all property that was used as evidence and that remains unclaimed in the hands of the Town after final disposition of the cause in which so used, or that was seized by a peace officer as being used unlawfully or for an unlawful purpose and that was held unclaimed from the date of seizure, or that came into the hands the Town as unclaimed or contraband.

2.0 PURPOSE

2.1 The purpose of this policy is to establish and maintain procedures in accordance with state law for the responsible disposition of all unclaimed property held in custody by the Town.

3.0 APPLICABILITY

3.1 All Town officers and/or agencies having custody of unclaimed property.

4.0 REFERENCE

4.1 A.R.S. §12-940 *et seq.*

5.0 DEFINITIONS

- 5.1 **Dispose** means the transfer of property by its return to the owner, sale, conversion or destruction or by any other means of disposal.
- 5.2 **Evidence** means property that is held for possible presentation in a judicial or administrative proceeding to establish the truth or falsity of an alleged matter of fact.
- 5.3 **Found Property** means recovered, lost, surrendered, ~~or~~ abandoned or otherwise received property that is turned over to a public agency where the owner may or may not be known and that is not classified as evidence.
- 5.4 **Property** means any item, including currency, which is held for safekeeping or as evidence or found property or that has been abandoned, unclaimed or awarded by the court.
- 5.5 **Safekeeping** means storage of an asset or item of value by a public agency that is not classified as evidence and that belongs to a known individual.

6.0 PROCEDURES

6.1 Custody of Unclaimed Property

- 6.1.1 Any and all unclaimed property used as evidence and remaining unclaimed after final disposition of the cause in which so used, or that was seized by a peace officer as being used unlawfully or for an unlawful purpose, or that came into hands of the Town as unclaimed or contraband shall be retained in custody by the Town for thirty (30) days.
- 6.1.2 Found property turned over to the Town may be returned to the person who found and turned it over if all of the following conditions apply:
- i. The property is not contraband- or a firearm.
 - ii. The property remains unclaimed for thirty days after reasonable efforts have been made to locate and notify the owner.
 - iii. The person who found and turned over the property is not a public officer or employee of the federal, a state or local government who found the property in the course of performing the duties of the office or employment.
- 6.1.3 All unclaimed U.S. currency held in custody pursuant to the provisions of 6.1.1 shall be deposited into the Town's General Fund pending the final disposition of said currency.

6.2 Owner Notification

- 6.2.1 ~~If any property is available for release and the owner is known, the Town shall make a reasonable attempt to notify the owner.~~
If the Town takes any property from a person, the Town shall provide the person with a detailed receipt for the property. The receipt shall contain a notice to the person explaining how to retrieve the property from the Town.
- 6.2.2 If the owner of property held by the Town that has a value of more than one hundred fifty dollars is not known, the Town shall publish or post a notice containing the description of the property before the final disposal of the property.

6.3 Sale of Property

- 6.3.1 If after the thirty day notice period has expired the owner or person entitled to the property has not claimed and retrieved the property, the property may be sold. The proceeds shall be paid to the Town's General Fund.
- 6.3.2 Notwithstanding Subsection 6.3.1, if the property is a firearm, ~~the Town shall file a petition in the Prescott Valley Magistrate Court, requesting an order directing that the firearm be sold~~ the Town shall sell the firearm to any business that is authorized to receive and dispose of the firearm under federal and state law and that shall sell the firearm to the public according to federal and state law, unless the firearm is otherwise prohibited from being sold under federal and state law. The Town of Prescott Valley Police Department may trade a firearm that it has retained to a federal firearms licensed business for ammunition, weapons, equipment or other materials to be exclusively used for law enforcement purposes. ~~The petition shall be substantially in the form of the example attached hereto as Exhibit "A" and incorporated herein by this reference.~~

6.4 Record Keeping

- 6.4.1 A record of all transactions under these policies and procedures shall be maintained for at least twenty-four months.