

**ORDINANCE NO. \_\_\_\_\_**  
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING SECTION 2.100.010 DISPOSING LOST AND  
UNCLAIMED PROPERTY.

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows:

**SECTION 1.** Section 2.100.010 of Chapter 2.100 of Title 2 is hereby amended to read  
as follows:

The disposition of lost and unclaimed property shall be administered by the  
Sheriff's Department in accordance with the Civil Code of the State of California at  
section 2080 et seq. and in addition shall be governed by the following administrative  
provisions:

(a) At the time an item of lost or unclaimed property is presented to the Sheriff's  
Department pursuant to the provisions of the Civil Code such item shall be  
received by the Sheriff if, and only if, in his judgment it has the value of ten  
dollars (\$10.00) or more. If, in the judgment of the Sheriff, the value of the item  
is less than ten dollars (\$10.00), the Sheriff's Department shall not take  
possession of said property, but it shall remain in the possession of the finder.

(b) If the finder of an item of lost property which, in the judgment of the Sheriff  
has a value of less than ten dollars (\$10.00), refuses to retain possession  
thereof and deposits said item with the Sheriff's Department such property shall  
be deemed not to be public property, and the Sheriff may (1) give such property  
to a charity or may (2) accumulate such property and dispose of it in a manner  
approved by the Board of Supervisors.

(c) At any time after an item of lost or saved property is taken into possession by the Sheriff pursuant to the provisions of this code, said item of property may be destroyed or otherwise disposed of if in the opinion of the Sheriff its continued storage would be inimical to the health, safety, or welfare of the County.

(d) If, after the prescribed storage period has passed and the prescribed notice has been given, lost property remains unclaimed by the owner, general law provides that title vests in the finder unless such finder is a public employee, When a finder in whom title vests relinquishes his claim and interest in the property, the Sheriff may give away, sell at public auction, or otherwise dispose of said property in whatever manner he deems to be in the public interest.

(e) Unclaimed property, as described in subsection (d) of this section, found by an employee of any public agency, shall be sold by the Sheriff at public auction.

(f) Any personal property with a value of not more than five hundred dollars (\$500) in the possession of the sheriff which has been unclaimed for a period of at least 90 days may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Section 2080.5 of the Civil Code, be turned over to the probation officer, to the welfare department of the county, or to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or state law, or both, For use in any program or activity designed to prevent juvenile delinquency. Before any property subject to this section is turned over to the probation officer, to the welfare department of the county, or to any charitable or nonprofit organization, the sheriff's office shall notify the owner, if his or her identity is known or can be reasonable ascertained, that it possesses the property, and where the property may be claimed. The owner may be notified by mail, telephone, or by means of a notice published in newspaper of general circulation which it determines is most likely to give notice to the owner of the property.

(g) Whenever the Sheriff conducts a public auction for the purpose of selling unclaimed property in his possession, he shall give notice of such sale by publishing notice thereof once in a newspaper of general circulation published in the County, at least five (5) days before the time fixed for the sale.

The public auction shall be held not less than five (5) days after the publication of the notice of sale. Each item shall be separately sold at auction to the highest bidder, except in cases where there may be several of the same kind of article off little value, in which case the several articles may be sold by lot or parcel.

The expenses connected with the sale shall be a proper charge against the funds of the Sheriff's Department, and the receipts and proceeds of the sale

shall first be applied to reimburse the Sheriff's Department for such expenses. The balance of the proceeds shall be deposited in the County Treasury.

Any items advertised for sale at public auction and remaining unsold after said auction, shall be disposed off by the Sheriff in whatever manner he deems to be in the public interest.

(h) Other than personal property abandoned by prisoners, which shall be handled in the same manner as other unclaimed property, this ordinance has no application to things which have been intentionally abandoned by their owner.

(i) In the case of certain deadly weapons, disposition of which is governed by other law, such law shall prevail over the provisions of this section.

(j) In the Sheriff or the Purchasing Agent determine that any property which would otherwise be sold under the provisions of this section is needed for a public use, including but not limited to law enforcement purposes, such property may be retained for said public use and need not be sold. However, upon the determination that said property should be retained for public use, it shall be inventoried as with other county property.

**Section 2:** This ordinance shall be effective thirty (30) days from the passage thereof.

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