



# City of San Leandro

Meeting Date: December 16, 2013

## Staff Report

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**File Number:** 13-547

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.D.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Rich Pio Roda  
City Attorney and  
Sandra Spagnoli  
Chief of Police

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report for an Ordinance Amending Article 1 of Title 4, Chapter 4-13 of the San Leandro Municipal Code Related to Unclaimed Property

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### Recommendation

Staff recommends that the City Council adopt the proposed Ordinance amending Article 1 of Title 4, Chapter 4-13 of the San Leandro Municipal Code relating to unclaimed property.

### BACKGROUND AND SUMMARY

The City currently requires that all unclaimed property with a value of ten dollars (\$10.00) or more that is discovered in the City must be delivered to the San Leandro Police Department. As a result of the relatively low amount of ten dollars (\$10.00), the San Leandro Police Department receives a number of miscellaneous items with minimal to no value. California Civil Code section 2080.1 provides that a person discovering an item valued at one hundred dollars (\$100.00) or more must turn that item over to the appropriate jurisdiction's public safety department. Staff wants to amend the current San Leandro Municipal Code to be consistent with California Civil Code section 2080.1.

The proposed ordinance amends the San Leandro Municipal Code to require that persons discovering unclaimed property valued at, or greater than one hundred dollars (\$100.00), rather than unclaimed property valued at, or greater than ten dollars (\$10.00), must deliver such property to the San Leandro Police Department. Staff believes that this will reduce the amount of miscellaneous items that it has to accept, track and store, which will increase internal efficiencies and save valuable space.

### ATTACHMENTS

DRAFT proposed amending ordinance

**PREPARED BY:** Kristopher Kokotaylo, Deputy City Attorney, City Attorney's Office  
2188433.1



# City of San Leandro

Meeting Date: December 16, 2013

## Ordinance

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**File Number:** 13-548 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Rich Pio Roda  
City Attorney and  
Sandra Spagnoli  
Chief of Police

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE Amending Article 1 of Title 4, Chapter 4-13 of the San Leandro Municipal Code Related to Unclaimed Property (increases from \$10 to \$100 the value of unclaimed property required to be turned over to the Police Department)

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The City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. AMENDMENT OF CODE.** Title 4, Chapter 4-13, Section 4-13-100 of the San Leandro Municipal Code is hereby amended as follows:

**4-13-100 GENERAL.**

All property with a value of ~~ten dollars (\$10.00)~~ one hundred dollars (\$100.00) or more found in this City ownership of which is unknown or unclaimed shall be delivered to, and held by the Police Department until such time as such property is disposed of as herein provided.

**SECTION 2. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 3. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect

thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.