

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CORONA,
CALIFORNIA, AMENDING SECTIONS 1.12.020 AND
_____ OF THE CORONA MUNICIPAL CODE TO
CLARIFY THE AUTHORIZED METHODS FOR
DISPOSING OF CERTAIN UNCLAIMED PROPERTY
HELD BY THE CITY**

WHEREAS, Chapter 1.12 of the Corona Municipal Code (“CMC”), which is adopted pursuant to the regulatory authority provided for in California Civil Code Section 2080.6, governs the manner in which the City retains and disposes of certain unclaimed property provided to or otherwise held by the City;

WHEREAS, unclaimed money held by the Police Department as evidence or potential evidence for the court’s use is not disposed of pursuant to CMC Chapter 1.12; rather, it is disposed of pursuant to Government Code Section 50050 et seq., as it is deemed to be held in the City’s official custody;

WHEREAS, other unclaimed money which is provided to the City is deemed to be held in the City’s unofficial custody and is thus disposed of pursuant to CMC Chapter 1.12;

WHEREAS, CMC Chapter 1.12 currently authorizes unclaimed property to either be retained by the City for a public use or auctioned off to the public;

WHEREAS, the City believes it is in the public’s interest to allow unclaimed property, such as bicycles and other goods that can be utilized for homeless or other charitable purposes, to sometimes be retained by the City for the purpose of donating them to other public agencies or to charitable, civic or non-profit organizations;

WHEREAS, the City believes it is in the public’s interest to encourage the public to turn over found money to the Police Department; and

WHEREAS, such encouragement can occur by clarifying that money held in the City’s unofficial custody shall be retained by the City for the purpose of returning a portion of it to those responsible for turning the money over to the City, after deducting amounts reasonably necessary to reimburse the City for its investigative and other operational and administrative expenses incurred with respect to the unclaimed money.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA,
CALIFORNIA DOES ORDAIN AS FOLLOWS:**

SECTION 1. Section 1.12.020 (Definitions) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“1.12.020 Definitions.

For the purposes of this chapter, certain words and phrases have the following meanings.

- (A) "City" means the City of Corona, its officers, officials and employees.
- (B) "Shall" is mandatory.
- (C) "May" is permissive.
- (D) "Police Department" means the Corona Police Department, its chief, officers and personnel.
- (E) "Unclaimed property" means, except as provided herein, any and all properties entrusted to or found by the Police Department or other city departments which the legal and rightful owner has left unclaimed. Unclaimed property shall not include money held by the Police Department as evidence or potential evidence for the court's use, which shall be deemed to be held in the City's official custody pursuant to Government Code Section 50050 et seq. and disposed of according to such provisions.
- (F) "Bicycle" shall mean a bicycle, tricycle or similar self-propelled vehicle."

SECTION 2. Section 1.12.040 (Auction) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“1.12.040 ~~Auction~~ Disposition of unclaimed property.

- (A) Options. After unclaimed property has been held for the required period, the unclaimed property may be:
 - (1) ~~Auctioned~~ Publicly auctioned off at a time convenient to the Police Department and the City Manager; or
 - (2) Retained by the city ~~if it is determined by the City Manager that such property is needed for public~~

~~use~~ for the purposes provided for in Section 1.12.040 (C) and (D); or

(3) Retained by the city if it is otherwise determined by the City Manager that such property is needed for public use.

(B) ~~Notice of an auction for~~ Public Auctions. If auctioned, the sale of unclaimed property shall be sold to the highest bidder. Notice of the auction shall be given by the Chief of Police, or designee, at least five days before the time fixed for the auction by publication once in ~~The Daily Independent~~ a newspaper of general circulation published in Riverside County. Any property remaining unsold after At the auction, all unclaimed property previously advertised shall be sold to the highest bidder.” may be retained by the City, destroyed or otherwise disposed of in any manner determined reasonable by the City Manager or designee.

(C) Donations. The City finds and determines that there is a public use and purpose in the City retaining the unclaimed property so that it may be donated to other public agencies or to charitable, civic or non-profit organizations. Any such donation shall be approved by the City Council pursuant to an agreement or other written document with the receiving entity.

(D) Money. The City finds and determines that there is a public use and purpose in the City retaining money held in the City’s unofficial custody for the purpose of returning a portion of it to the person(s), organization(s) and/or other entity(ies) responsible for turning it over to the City. Those responsible shall be determined by the Chief of Police in his/her sole discretion. The portion returned shall be determined by the Chief of Police, after he/she reasonably deducts an amount necessary to reimburse the City for its investigative and other operational and administrative expenses incurred with respect to the unclaimed money.”

SECTION 3. Section 1.12.050 (Property Held as Evidence) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“1.12.050 Property held as evidence.

As provided for in Section 1.12.020 above, Pproperty held by the Police Department as evidence or potential evidence for the court's use is deemed to be held in the City's official custody, pursuant to Government Code Section 50050 et seq., and shall be exempted and excluded from this chapter~~as long as the court needs such evidence.~~ After the court has completed its use of the property, and if it is not claimed by the legal owner it shall be disposed of pursuant to Government Code Section 50050 et seq~~at this time, the property shall be processed as unclaimed property pursuant to this chapter.~~"

SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force on the 30th day after its adoption.

ADOPTED this _____ day of _____, 2019.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, SYLVIA EDWARDS, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the _____ day of _____, 2019, and thereafter at a regular meeting thereof held on the _____ day of _____, 2019, it was duly passed and adopted by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this _____ day of _____, 2019.

City Clerk of the City of Corona, California

SUMMARY

On _____, the Corona City Council will consider adopting an ordinance to amend Section 9.20.010 of the Corona Municipal Code to clarify when a special event permit is required, including when required by Chapter 12.24 or for an event involving the sale, possession or consumption of alcoholic beverages within City property or facilities authorized pursuant to Section 9.22.020 of the Corona Municipal Code. A certified copy of the full text of this proposed Ordinance is posted in the City Clerk's Office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall, located at 400. South Vicentia Ave. The City Clerk's Office is located in City Hall near the Council Chambers.