

## ARTICLE 5

### RETENTION AND DISPOSAL OF PERSONAL PROPERTY

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## ARTICLE 5

### RETENTION AND DISPOSAL OF PERSONAL PROPERTY

SEC. 2-5.00 PROPERTY AND SURPLUS PROPERTY DEFINED. As used in this Article the word "property" shall mean personal property and the word "Surplus", when applied to property, shall mean that such property is serviceable and valuable for other than scrap or salvage but which is deemed to be either useless or uneconomical to use in City projects or work.

SEC. 2-5.05 DETERMINATION OF PROPERTY AS SURPLUS. Whenever the head of any division of the City of Hayward shall determine that any property under his jurisdiction is surplus and that there is no present or prospective use to which his division may put said property, he shall report the fact to his department head. The report shall contain the description, condition, and quantity of such surplus property, shall state the location at which it may be viewed, and shall give the names and addresses of any prospective purchasers known to the division head.

SEC. 2-5.06 REALLOCATION OF SURPLUS PROPERTY. The department head to whom property is reported as surplus shall evaluate the surplus property for possible use in another division under his jurisdiction. If he finds no use for the property, he will inform other department heads of the availability of the property. In the event that no requirement exists for the property, or if it is uneconomical to use the property further, the department head shall so notify the City Manager and recommend disposal proceedings.

SEC. 2-5.07 APPROVAL OF REPORTS. The City Manager shall evaluate the surplus property report and upon approval for disposal, shall notify the Finance Director.

SEC. 2-5.08 FINANCE DIRECTOR TO FIX TIME AND MANNER OF SALE. When sufficient surplus property has accumulated to warrant a sale, the Finance Director shall fix a date for the sale and determine the method of sale.

SEC. 2-5.10 SALE OF SURPLUS PROPERTY. Surplus property, when possible, shall be accumulated at a central location. Notice of sale shall be given the degree of advertisement which, in the opinion of the Finance Director, seems best suited to the nature and potential value of the property for sale. Surplus property sale shall be made at public auction or by sealed bid, except in those instances where the Finance Director determines that such property is needed for public use by another public agency or is available for trade-in. In those cases, the property may be sold or transferred to the public agency or traded in at an amount determined by the Finance Director to be equivalent to that which would be obtained through a sealed bid or public auction sale. In the event of public auction or sealed bid sale, all sales shall be cash. All proceeds received from the sale shall be delivered to the Finance Director for deposit in the general fund, or in that fund from which the property was originally purchased. This authorization for sale of surplus property shall not preclude disposal of surplus property as scrap when such property appears to the Finance Director to have negligible value.

SEC. 2-5.11 SALVAGE SCRAP. Items of scrap, metal, wood, paper, or other materials which are neither used nor useful for the purpose for which they were originally designed or used constitute salvage or scrap and may be sold or otherwise disposed of by the City Manager at any time without public sale. Items of surplus personal property may be sold as scrap when bids for such property cannot be obtained when the property is offered for sale as described in Section 2-5.10 above.

SEC. 2-5.20 UNCLAIMED PERSONAL PROPERTY IN HANDS OF POLICE DEPARTMENT. All unclaimed personal property in the possession of the Police Department shall be stored in a safe place by the Police Chief for at least six (6) months, except that in the case of unclaimed bicycles in the possession of the Police Department the Police Chief shall store such bicycles in a safe place for at least three (3) months. The Police Chief shall restore such property to its legal owner, upon proof of such ownership satisfactory to him and upon the payment of all reasonable necessary costs in the care and protection thereof, unless such property is held by the police as evidence in a pending case, in which case it shall be disposed of only upon order of the proper court.

SEC. 2-5.21 UNCLAIMED PERSONAL PROPERTY. NOTICE OF SALE OR TRANSFER. At any time after the expiration of said three (3) months' period' for the retention of bicycles, and the expiration of said six (6) months period for the retention of all other personal property, the Police Chief may publish once in a newspaper of general circulation in the City of Hayward:

- a. a notice of his intention to sell at a public auction at the time therein specified, certain unclaimed personal property; or
- b. a notice of his intention to transfer to the Purchasing Agent of the City at the time therein specified, certain unclaimed personal property for disposal or sale by said Purchasing Agent.

SEC. 2-5.22 UNCLAIMED PERSONAL PROPERTY. SALE OR TRANSFER. The sale or transfer to the Purchasing Agent shall be made not less than five (5) days after the publication of said notices.

In the case of sale (by Chief of Police and Purchasing Agent) each item shall be separately sold at public auction to the highest bidder.

In the case of transfer to the Purchasing Agent, such property shall not be redeemable by the owner or other person entitled to possession. If the Purchasing Agent determines that any of such property is needed for a public use by the City or other public agency, such property may be retained or transferred to such public agency for such public use, and need not be sold.

SEC. 2-5.23 EXPENSES OF SALE. The expenses connected with such sale shall be a proper charge against the funds of the Police Department and all proceeds received from said sale shall be delivered to the City Treasurer for deposit in the general fund.

SEC. 2-5.24 UNSOLD ITEMS. The Police Chief and/or Purchasing Agent shall report any items remaining unsold after said public auction to the City Manager who shall instruct said Chief and/or Purchasing Agent what disposition shall be made thereof as he may see fit in the public interest.

SEC. 2-5.25 PROPERTY SUBJECT TO CONFISCATION. The provisions of this Article shall not apply to property subject to confiscation under the laws of the State of California or of the United States of America.