



ORDINANCE No. 2539

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE ADDING SETIONS 2.29.01, 2.29.02, 2.29.03, 2.29.04, AND 2.29.05 TO THE NEVADA COUNTY CODE PERTAINING TO THE CARE AND DISPOSAL OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE SHERIFF

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Findings and Declarations

- A. That California Civil Code 2080.4 authorizes the creation of an ordinance to provide for the care, restitution, sale or destruction of unclaimed property in the possession of the Sheriff; and
- B. That the Sheriff routinely comes into possession of personal property that remains unclaimed for extended periods of time, despite efforts to provide due notice to known rightful owners and/or interested parties; and
- C. That indefinite storage of unclaimed property creates an undue burden, and the sale and/or use of unclaimed property would bring potential revenue and benefit to the County.

SECTION II:

Sections 2.29.01, 2.29.02, 2.29.03, 2.29.04, and 2.29.05 be added to the Nevada County Code to read as shown in Exhibit A attached hereto and incorporated by this reference.

SECTION III:

If any section, sentence, clause, or phrase is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses, or phrases be declared invalid or unconstitutional.

SECTION IV:

This ordinance shall take effect and be in force at the expiration of 30 days from and after its passage, and it shall become operative on the 10th day of January, 2025 and before the expiration of 15 days after its passage it shall be published once, with the names of the supervisors voting for and against same in the Grass Valley Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of December 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Hardy Bullock, Chair

TITLE 2 COUNTY ADMINISTRATION, PROPERTY AND PERSONNEL

CHAPTER 29: CARE AND DISPOSAL OF UNCLAIMED PROPERTY

Section 2.29.01 Authority

This article is enacted pursuant to the authority provided by Section 2080.4 of the Civil Code.

Section 2.29.02 Purpose

The following provisions shall apply to the care, restitution, sale or destruction of unclaimed property in the possession of the Sheriff of the County of Nevada.

Section 2.29.03 Definition

Within the meaning hereof, "unclaimed property" shall mean all personal property coming into the possession of the Sheriff of the county which, in the opinion of the Sheriff, need not be preserved as evidence to be used in connection with the investigation or prosecution of crime, the owners of which property are unknown or cannot be located after appropriate inquiry and to which no valid claim of ownership is made.

Section 2.29.04 Care and Restitution

All unclaimed property as above defined shall be kept by the Sheriff using ordinary care to keep the same safely. If an owner appears prior to 90 days from the date the property came into the possession of the Sheriff, the property shall be delivered to said owner upon his payment of the storage charges, if any, and upon said owner executing a receipt for the property.

Section 2.29.05 Authority of the Sheriff

The Sheriff's Office is authorized and empowered to sell at public auction, to the highest bidder, for cash, or to transfer said property to the County Purchasing Agent for sale to the public at public auction, any article of personal property in their possession, unclaimed for a period of 90 days.

- A. In the event the Sheriff elects to sell said property, he/she shall give notice of the date, time and place of sale at least five (5) days before the time fixed therefor by publication once in a newspaper of general circulation published in the County of Nevada.
- B. In the event the Sheriff elects to transfer said property to the County Purchasing Agent for sale to the public at public auction, the County Purchasing Agent shall give notice of the

time and place of sale in the same manner as provided by Article 7 (commencing with Section 25500) of Chapter 5, Part 2, Division 2, Title 3 of the Government Code for the sale of surplus personal property.

- C. If the property is transferred to the County Purchasing Agent pursuant to this article, such property shall not be redeemable by the owner or other person entitled to possession. If the County Purchasing Agent determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the County and need not be sold.
- D. The net proceeds from any sale conducted pursuant to this article shall be delivered to the County Treasurer for deposit as determined appropriate by Sheriff's Chief Fiscal Administrative Officer or designee.
- E. Unsold Items. Property for which no bid is made at such sale may be given to a nonprofit charitable organization, destroyed or otherwise disposed of as the County Purchasing Agent, or his authorized representative, may direct.
- F. Pursuant to Section 217 of the Welfare and Institutions Code, at the end of the time periods set forth herein, unclaimed property with a value of not more than five hundred dollars (\$500) may be turned over to the County Probation Officer, Child Welfare Services, or to any charitable or nonprofit organization who is authorized to participate in a program or activity designed to prevent juvenile delinquency for use in any program or activities designed to prevent juvenile delinquency.