

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20421

A RESOLUTION ESTABLISHING A PROCEDURE FOR DISPOSITION OF UNCLAIMED TANGIBLE PERSONAL PROPERTY THAT COMES INTO POSSESSION OF THE HELENA POLICE DEPARTMENT

WHEREAS, §7-8-105, MCA, establishes the minimum requirements for an ordinance or resolution that provides for disposal of unclaimed tangible personal property in possession of law enforcement for which state law does not otherwise provide a procedure for disposition; and

WHEREAS, although not required by law, the Helena Police Department (HPD) does come into possession of a number of unclaimed tangible personal property items; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that a policy be established to dispose of unclaimed tangible personal property in the possession of the HPD.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The City of Helena hereby establishes the following policy for disposal of unclaimed tangible personal property that may come into the possession of the HPD (hereafter "unclaimed property").

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Section 2. For purposes of this policy, the term "unclaimed property" does not include:

A. property valued at less than \$20;

B. intangible property;

C. property that constitutes contraband or is otherwise illegal to possess;

D. firearms;

E. property with evidentiary value in any criminal case;

and

F. property for which state law provides a procedure for disposition.

Section 3. The HPD is not required to take possession of any unclaimed property and may refuse to take possession of any unclaimed property.

Section 4. If the HPD does take possession of unclaimed property, the HPD will take reasonable steps to identify and contact the legal owner of the unclaimed property.

Section 5. If the legal owner of the unclaimed property cannot be identified or contacted through reasonable means, the

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HPD will list the unclaimed property on the City's website for a period of three (3) months. The listing must contain:

- A.** the place and date of where and when the property was found, if that information is known;
- B.** information about how the legal owner of the unclaimed property may reclaim the property; and
- C.** notice that if the property remains unclaimed for a period of three (3) months from the date of listing, the property will be either destroyed, returned to finder, donated, or sold at public auction to the highest bidder.

Section 6. Upon receipt of proof of legal ownership, the HPD will restore the unclaimed property to its legal owner.

Section 7. If, after three (3) months, the legal owner of the unclaimed property has not reclaimed the property, the HPD may offer the unclaimed property to the finder by providing notice to the finder, if the finder has provided contact information at the time they turned over the unclaimed property to HPD.

Section 8. Upon receiving notice that the unclaimed property may be claimed by the finder, the finder has ten (10)

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days to claim the property.

Section 9. If neither the legal owner nor the finder claims the unclaimed property, the unclaimed property will be destroyed as allowed or required by local, state, or federal law, donated, or sold at public auction to the highest bidder.

Section 10. At least ten (10) days prior to the time fixed for disposition of unclaimed property, by either returning to the finder, destruction, donation, or sale at public auction, notice of the planned disposal must be given by publication one time in a newspaper of general circulation in the City of Helena.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 4TH DAY OF DECEMBER, 2017.

ATTEST:

/S/ JAMES E. SMITH
MAYOR

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION