

Sec. 11-17.1. - Unclaimed and abandoned property—Definitions.

- (a) For purposes ~~of of this s~~Sections 11-17, 11-17.1, and 11-17.2, the term "purchasing agent" shall mean the person or persons primarily responsible for making purchases on behalf of the city. The city manager shall designate the purchasing agent.
- (b) For purposes of Sections 11-17, 11-17.1, and 11-17.2~~this section~~, the term "unclaimed and abandoned property" shall mean all personal property which has been seized by members of the police department pursuant to the exercise of their duties; provided, however, the term "unclaimed and ~~abandoned surplus~~ property" does not include alcoholic products, property which is being held as evidence to be used in a pending case, property which has been ordered destroyed or returned to the person entitled to possession, ~~as~~ gambling paraphernalia or proceeds, ~~as a~~ prohibited weapons, ~~as a~~ criminal instruments or other contraband, motor vehicles, firearms seized pursuant to Texas Health and Safety Code §573.001, or property which has been returned to its owner.
- (c) For purposes of Section 11-17.2, the term "property held as evidence" means property related to a charge that has been filed or to a matter that is being investigated for the filing of a charge.

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Sec. 11-17.2. - Same—Sale of.

- (a) In compliance with Code of Criminal Procedure Art. 18.17, All unclaimed or abandoned personal property which has remained unclaimed for a period of thirty (30) days with the police department shall be delivered for sale to the purchasing agent or his designee, who shall then institute the process called for below.
- (b) In the event that the owner of the property is known, the purchasing agent or his designee shall cause to be mailed a notice to the last known address of the owner of the property. The notice shall be sent by certified mail and shall contain the following information:
- (1) A description of the property;
 - (2) The name and business address of the person responsible for holding the property;
 - (3) State that if the owner does not claim the property within ~~six (6) months~~ninety (90) days from the date of the notice, the property will be sold and the proceeds of the sale, after deducting the reasonable expenses of keeping and storing the property and the costs of the sale, will be placed in the city's bank account.

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(c)

If the owner of the property is unknown or if the address of the owner is unknown and the property has a fair market value of at least \$500, the purchasing agent or his designee shall cause a notice to be published once in a paper of general circulation within the city. The notice shall contain:

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- (1) A description of the property;
- (2) The name of the owner if known;

(3) The name and business address of the person holding the property;

(4) State that if the owner does not claim such property within ninety (90) ~~six (6) months~~ days from the date of the publication of the notice, the property will be sold and the proceeds of the sale, after deducting the reasonable expenses of keeping and storing the property and the costs of the sale, will be placed in the city's bank account.

(ed) The sale of all property with a fair market value of at least \$500 ~~under-pursuant to~~ the provisions of this subsection shall be preceded by a notice published at least three (3) ~~weeks~~fourteen (14) days prior to the date of the sale in a newspaper of general circulation in the city. The notice shall state:

(1) A description of the property;

(2) The name of the owner of the property if known;

(3) The time, date and place of the sale.

If the purchasing agent considers any bid insufficient on the property subject to the sale, the purchasing agent may, at his discretion, decline the bid and reoffer the property for sale on a different date so long as the three-week-notificationfourteen (14) day notice provision contained in this subsection has been met in time for the second sale.

(ed) All receipts or records of any sale of abandoned or unclaimed property are to be delivered by the purchasing agent or his designee to the finance director within seventy-two (72) hours of the sale of the abandoned or unclaimed property.

(ef) The real owner of any property sold shall have the right to file a claim for the proceeds of the sale with the city council within 30 days from the date the property is disposed of. If the claim is allowed by the city council, the purchasing agent shall pay to the owner of the property all funds which were placed in the city's bank account as proceeds from the sale of the specific piece of property. The city council shall have ninety (90) days from the date that the claim was filed to either allow or disallow-deny the claim. In the event that the city council has not acted on the claim within ninety (90) days of the date that the claim was filed, the claim is deemed disallowed-by operation of lawdenied. Should the claim be denied, the claimant may sue the City in a court of competent jurisdiction to recover the proceeds.

(fg) If the provisions of this section have been complied with and the property is scheduled for sale, the police department may request to have the property converted to use. The police department shall return the property to the purchasing agent for sale when it has finished with its use of the property.

(h) If the unclaimed or abandoned property is money, the purchasing agent may, after giving the notice required by subsections (b) and (c) deposit the money in the treasury of the City without conducting the sale as required by subsection (d).

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