

ORDINANCE 21-29

AN ORDINANCE AMENDING THE SANDY CITY CODE TITLE 7, “PURCHASING PROCEDURES,” CHAPTER 7-1, “PURCHASING” AND REPLACING CHAPTER 7-2, “LOST, ABANDONED OR UNCLAIMED PROPERTY;” ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, it is necessary to amend the Sandy City Code Title 7, “Purchasing Procedures,” Chapter 7-1, “Purchasing” and replacing Chapter 7-2, “Lost, Abandoned or Unclaimed Property;” and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 7 is hereby amended as set forth in **Exhibit “A”** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2021.

Alison Stroud, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2021.

EXHIBIT “A”

Title 7 PURCHASING PROCEDURES

CHAPTER 7-1. PURCHASING

Sec. 7-1-5. Scope.

- (a) *Superior or More Suitable Products.* Whenever the requisitioning department head or his or her designated representative finds in a signed memorandum a copy of which shall be sent to the Purchasing Agent and the City Administrator, that a particular product significantly surpasses competing products in terms of quality, serviceability or longevity, or that such a product is better suited to the needs of the City in order to lower costs of inventory, to maintain compatibility with City equipment, or because doing so will lower the costs of service or procurements, such a product may be procured notwithstanding the fact that a competing product could be procured at a lower cost.
- (b) *State or Federal Purchasing Prices.* The City need not solicit competitive bids or proposals when making procurements through cooperative purchasing contracts administered or established by the a ~~State Division of Purchasing~~ **government**, or an agency of the ~~F~~ederal government, the benefits of which are also available to the City.
- (c) *Cooperative Procurements.* The City may join with other units of Federal, State or local government, or with special districts, school districts, and such other similar agencies as the City Council may by resolution direct, in purchasing goods and services. In such cases the City is encouraged, but is not required to follow a competitive bidding process or request for proposals where that would be required if the service or goods were procured by the City alone. Notwithstanding the foregoing, purchases shall be made in accordance with state law, such as U.C.A. 1953, § 10-7-20, regarding contracts for new public improvements construction costs where the estimated cost exceeds \$40,000.00.
- (d) *Goods \$2,000.00 or Less—No Bids.* City procurements of goods and services reasonably expected to cost \$2,000.00 or less do not require the solicitation of bids or proposals, although bids may be solicited orally or otherwise if desired. Procurements under this subsection may be made by cash payment, but in such cases the procurer should obtain a receipt for the payment.
- (e) *Goods and Services Costing \$2,001.00 to \$5,000.00—Three Oral Quotes.* Procurements of goods and services reasonably expected to cost more than \$2,001.00 but not more than \$5,000.00 in total shall require three telephone, oral, or written quotes for prices from proposed vendors of goods or services. The Purchasing Agent or Department Buyer shall make a signed written record of quotes and reasonably detailed product or service information about each of them, sufficient to compare and make a reasonably informed choice from among the vendors who make offers or bids, including the name of the vendor, the vendor's address, telephone number, and the price quoted. Procurements within this subsection (e) shall be made by purchase order unless made by written contract. In the event three vendors willing to provide quotes cannot reasonably be obtained, then the Purchasing Agent or Department Buyer shall make a signed written record of quotes and product and service information about each vendor willing to provide quotes, and a record of efforts to obtain other quotes. The decision about which vendor to choose for the services or goods shall be made based upon the information submitted. The Purchasing Agent or Department Buyer may allow a person who has prepared or helped to prepare specifications for use in a City procurement to bid or submit a proposal for the procurement if doing so is not unfair to other bidders or proponents, in the reasonable

discretion of the Purchasing Agent or Department Buyer; otherwise, such person shall not be allowed to bid or submit a proposal.

- (f) *Goods and Services Costing \$5,001.00 to \$40,000.00—Three Written Bids.* Procurements of goods and services reasonably expected to cost more than \$5,001.00 but not more than \$40,000.00 in total shall require the receipt of three bids or proposals in writing unless three vendors willing to submit such bids or proposals cannot reasonably be obtained. In the event three vendors willing to provide quotes cannot reasonably be obtained, then the Purchasing Agent or Department Buyer shall make a signed written record of quotes and product and service information about each vendor willing to provide quotes, and a record of efforts to obtain other quotes. Procurements within this subsection shall be made by purchase order unless made by written contract.
- (g) *May Use Formal Bidding Requirements.* All formal bidding and requests for proposals shall be issued by the City Purchasing Agent or his assistants. The requirements contained herein are minimal requirements, and the Purchasing Agent, the City Council, Mayor or the City Administrator may require that the procurement of services, supplies, materials or equipment be competitively bid or that competitive offers be solicited in cases that otherwise would not so require if it is determined that such action to be in the best interest of the City.
- (h) *Contracts for Legislative Purposes.* Professional service contracts for solely legislative purposes shall be solicited, ranked, selected and negotiated in substantial compliance with the provisions of this article. When authorized by the City Council by resolution, the City Council Chair, or the Council Executive Director may:
 - (1) Determine the composition of a selection committee;
 - (2) Approve the criteria for ranking of professional service proposals;
 - (3) Negotiate on behalf of the City Council; and
 - (4) Execute a contract for professional services.
- (i) *Risk Management.* All contracts under this section shall be covered by the City's self-insured risk pool and through States Self-Insurers Risk Retention Group. Furthermore, each elected official shall be personally indemnified by the City for any claim related to any contract under this section.

(Revised Ords. 1978, § 11-1-5; Ord. No. 18-07 , § 1(exh. A, § 11-1-5), 3-20-2018; Ord. No. 18-31 , § 1(11-1-5), 11-13-2018; Ord. No. 19-32 , § 1(exh. A), 12-10-2019)

Sec. 7-1-6. Exceptions.

The competitive purchasing requirements of this chapter need not be followed in the following circumstances. In such cases, written documentation should be made demonstrating that a procurement falls within one of the following provisions of this section:

- (1) *Grant, Gift, Bequest.* In complying with the terms and conditions of any grant, gift, or bequest to the City, or to one of the City's departments or subdivisions, committees, or a community organization which functions under City auspices if such action is approved by the City Council and is otherwise consistent with law.
- (2) *Federal or State Assistance.* When a procurement involves the expenditure of Federal or State assistance funds, and to the extent that doing so requires that Federal or State law or regulations be followed rather than City ordinances.
 - a. *Suspension and Debarment Certification.* For subrecipients and contractors receiving \$40,000.00 or more in Federal funds from the City, request-for-bid or proposal documents will contain language notifying bidders or proponents of Federal or State suspension and debarment

requirements, which shall be provided in forms by which bidders or proponents can certify their status. At time of bid, bidders or proponents will be required to certify their suspension and debarment status as a mandatory element of their bids or proposals.

- b. *System for Award Management (sam.gov)*. Purchases in excess of \$40,000.00 in Federal funds where bidding is not required (i.e., in State contracts, or where disbursements exceed \$40,000.00 on existing contracts) the Purchasing Agent or the Department Buyer shall not award contracts or orders to persons suspended or debarred by the United States government, which shall be determined by checking the Federal Suspension And Debarment Website (currently, sam.gov) for a favorable suspension and debarment status for such persons before a bid or proposal is awarded, an order is placed, or a contract for goods or services with such person is signed.
 - c. *Supporting Documentation*. Supporting documentation relating to suspension and debarment status shall be kept by the Purchasing Agent and/or the Department Buyer pursuant to Federal, State and City laws and regulations.
- (3) *Emergency Procurements*. Notwithstanding any other provision of this chapter, procurements may be made in emergencies by the Purchasing Agent, a department head, or a designee of either in instances in which the procurement could not reasonably have been made pursuant to this chapter, provided that procurements shall be made with as much competition as practicable under the circumstances. Promptly thereafter the department head of the department which made the procurement shall provide a signed written statement to the City Purchasing Agent setting out in reasonable detail the item procurement, the price, and cause and basis for the emergency and why the procedures set out in this chapter were not followed. A copy of the statement shall be included in the contract file.
- (4) *Single-Source Provider*. Procurements of products, services or construction items available only from a single provider. The Mayor, City Administrator, department head or the Purchasing Agent shall find in writing that there is only one source for the item or service.
- (5) *Compatibility, Parts, Training*. Procurements of equipment or software which, by reason of the training of City personnel who service or use such equipment or software, or which is an addition to or for the repair or maintenance of equipment or software used or owned by the City which may be more efficiently added to, repaired or maintained by a certain brand, person or firm.
- (6) *Additional or Replacement Parts*. Equipment which, due to an inventory of replacement parts maintained by the City, is compatible only with existing equipment owned, leased or used by the City, need not, where the department head or the Purchasing Agent finds in a signed writing that the City's interest is better served by so purchasing, procurement a different brand of such equipment.
- (7) *Professional Services*. Contracts for professional services reasonably expected to cost more than \$7,500.00 for the services specifically set out in the contract shall be awarded at the discretion of the Mayor, or a person designated by the Mayor.
- a. *Criteria for Award*. Contracts for professional services shall be based on the evaluation of professional qualifications, service ability, cost of service, and other service-related criteria.
 - b. *Manner of Selection*. Criteria for award of professional service contracts costing more than \$7,500.00 may be determined through one or more of the following methods:
 - 1. Competitive bid;
 - 2. Request for Proposals (RFP); or
 - 3. Informal Survey.
 - c. *Award of Contract*. Where criteria for award of professional service contracts costing more than \$7,500.00 are determined through informal survey or through some lesser review, then award of

the contract or its proposed award shall be disclosed in writing to the City Council by the department head or a person designated by the department head along with a reasonably detailed written summary of the findings of that survey.

- (8) *Insufficient Bids.* Where fewer than three responses are made to a bid solicitation or request for proposals after reasonable efforts to obtain three or more bids or proposals, the Purchasing Agent or Department Buyer responsible for the purchase may, after making a signed writing setting out the circumstances thereof, a copy of which shall be placed in the contract file, make a purchase which in his reasonable discretion meets the purposes of this chapter by purchasing in a manner which does not conform to the formal bidding or RFP process set out in this chapter.
- (9) *City Council Determinations.* The City Council may authorize the procurement of supplies, equipment and services without complying with the provisions of this chapter when it determines that compliance with the procedure is not in the best interests of the City. A memo shall be placed in the file for the purchase setting out the reasons for doing not following the purchasing provisions which otherwise would apply.
- (10) *Special Opportunity Purchases.* Where a substantial savings will be realized thereby in the purchase of goods or non-professional services costing more than \$40,000.00, and provided that sufficient money has been appropriated for the purchase, a Department may avoid competitive bidding or the RFP requirements set out in Section 7-1-8, by the following streamlined procedures, provided other applicable provisions of this Chapter are met before the purchase is made:
 - a. It shall, in its reasonable discretion, obtain offers from competing sources in a manner most likely to meet the purposes of this chapter;
 - b. The Department Head shall disclose the proposed purchase in a signed written memorandum to the Mayor and City Administrator, setting out in reasonable detail the reason the purchase is recommended, the reason normal purchasing procedures are not recommended, and the proposed savings, and what efforts have been made to obtain competitive offers; and
 - c. The Mayor and City Administrator each agrees in a signed memorandum that he believes that the purchase is justified, and that the purposes of this chapter will be met thereby.

(Revised Ords. 1978, § 11-1-6; Ord. No. 18-07 , § 1(exh. A, § 11-1-6), 3-20-2018)

Sec. 7-1-8. Formal Bidding Procedure.

The following procedures shall apply to the procurements of all materials, supplies, equipment, public improvements, and non-professional services which cost \$40,000.00 or more, and may be used for professional services. All bids and requests for proposals shall be made by the City Purchasing Agent.

- (1) *General.* The Purchasing Agent shall issue invitations to bid or requests for proposals for materials, supplies, equipment, services, insurance, public contracts, and other items required for the City.
- (2) *Invitations to Bid.* An invitation to bid shall describe the material, supplies, equipment, services or insurance with sufficient particularity to allow for competitive bidding and evaluation, and shall include a procurement description, and contractual terms and conditions applicable to the procurement.
- (3) *Bid and Proposal Submissions.* Bidders must submit responsive bids and proposals on or before the bid closing to the Purchasing Agent to be eligible for consideration. The City Purchasing Agent may, in his discretion, consider a bid or proposal which was timely submitted via a delivery medium which arrives

after the bid closing, provided acceptance of the bid or proposal is reasonably determined by the Purchasing Agent to be in the best interests of the City and there is no evidence or likelihood of collusion or fraud upon the procurement process. Formal bids shall otherwise be opened at a public bid opening.

- a. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information specified by rules and regulations, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
 - b. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, except that criteria in determining responsible bidders contained in this chapter need not be set forth in the invitation for bids. The Purchasing Agent shall attempt to make selections based on those criteria that will affect the bid price and be considered in evaluation for award that are objectively measurable. The criteria may include discounts, transportation costs, and total or life cycle costs.
 - c. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in the interest of the City in the reasonable discretion of the Purchasing Agent in consultation with a representative of the interested City department. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or to fair competition shall be permitted. Except as otherwise provided by this chapter, or rules and regulations, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes by a provider shall be supported by a written determination made by the Purchasing Agent.
- (4) *Award under Invitation to Bid.* Contracts for procurement under an invitation to bid shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Determinations may be based on one or more or any combination of factors which will serve to meet City requirements at the best economic advantage to the City, including, but not limited to, unit cost, life cycle cost, economic cost analysis, operating efficiency, warranty and quality, compatibility with existing equipment, maintenance costs (to include consideration for the cost associated with proprietary invention), experience and responsibility of bidder. In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such funds by more than five percent, the chief procurement officer or the head of a purchasing agency is authorized, in situations where time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.
- (5) *Two-Step Awards.* When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
- (6) *Lowest Responsible Bidder.*
- a. In determining lowest responsible bidder, the Purchasing Agent may, in his discretion, consider one or more of the following criteria, which may be included as purchase criteria in the invitation for bids:
 1. The quality of supplies offered;

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2. The ability, capacity and skill of the bidder to perform the contract or provide the supplies or services required;
 3. Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
 4. The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or provide the supplies or services;
 5. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 6. The quality of bidder's performance on previous orders or contracts for the City or others;
 7. Litigation or claims by the bidder without substantial basis;
 8. Any previous or existing noncompliance by the bidder with laws and ordinances relating to the subject of the contract;
 9. The ability of the bidder to provide future maintenance and service, where such maintenance and service is essential; and
 10. Price.
- b. Determination of nonresponsibility of a bidder, or written determination of nonresponsibility of a bidder or offeror shall be made in accordance with this chapter. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the department making the purchase and the Purchasing Agent's Office without prior written consent by the bidder or offeror.
 - c. After reasonable notice to the person involved, the Purchasing Agent may debar a person for cause from consideration for award of City contracts.
- (7) *Competitive Sealed Proposals.* As an alternative to the bidding process provided for in this section, competitive proposals may be solicited in the discretion of the Purchasing Agent, the Mayor, City Administrator, or a department head, and a contract may be entered into by competitive sealed proposals.
- a. Competitive sealed proposals may be used for the procurement of services of consultants, professionals, and providers.
 - b. Proposals shall be opened so as to avoid disclosure of the contents to competing offerors before a contract is signed with the offeror during the process of negotiation.
 - c. A register of proposals shall be prepared and shall list such information with respect to each proposal as is important in making the decision which shall be open for public inspection after award of the contract. The register shall be open for public inspection after award of the contract.
 - d. The request for proposals shall state the relative importance of price and other evaluating factors.
 - e. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers. In conducting discussions, reasonable care shall be taken to avoid the disclosure of

information derived from proposals submitted by competing offerors which is not known to the competitors.

The contract file shall contain the basis on which the award is made.

- (8) *Waiver of Defects, Technicalities.* The City Purchasing Agent, together with the head of the department purchasing the item or service, may waive defects and technicalities when doing so is in the best interests of the City. The City Purchasing Agent shall, where practicable, take reasonable efforts to notify all bidders of the determination thereof.
- (9) *Bid Bond.* A bid bond may be required on items, contracts, materials and services procurement under this chapter.
- (10) *Notices Inviting Bids, Proposals, and Quotations.* Notices inviting bids or quotations shall be published at least ten business days before the date of the opening of the bids in a manner which the Purchasing Agent determines is in the City's best interest to meet the purposes of this chapter, including, but not limited to, publication on an electronic bulletin board, on ~~the Internet~~ websites believed likely to generate desired responses, in commonly read trade publications, ~~radio, television, cable television~~, or in a newspaper of general circulation in the City. ~~Notices advertising pending procurements by bid or request for proposals under this section shall be posted on a public bulletin board in City Hall, and, where practicable, shall be posted at least five days before the procurement is contracted for.~~
- (11) *Tie Bids.* If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the Purchasing Agent determines that the City's interest is better served by not re-advertising for bids, the City may require the tie bidders to submit a rebid within five days.

(Revised Ords. 1978, § 11-1-8; Ord. No. 18-07 , § 1(exh. A, § 11-1-8), 3-20-2018)

State law reference(s)—Bidding, U.C.A. 1953, § 63G-6a-601 et seq.

Sec. 7-1-24. Surplus Real and Personal Property.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) *Dispose or disposal* means to sell, lease, trade, gift, convey, or encumber surplus property.
 - (2) *Exchange* means transactions where surplus property is transferred as a full or partial consideration for the transfer to the City of other property.
 - (3) *Highest and best return* means maximizing economic return to the City as estimated by one or more of the following methods:
 - a. Competitive bid which may include electronic auction;
 - b. Evaluation by a qualified and disinterested appraiser;
 - c. Other professional publications and valuation services; or
 - d. An informal market survey by the City's Purchasing Agent ("Purchasing Agent") in the case of items of property possessing readily-discernible market value.
 - (4) *Property* means real and personal property.
 - (5) *Reasonable notice* means publication in a newspaper or newsletter of general circulation within the City, posting in public places within the City, ~~Internet posting on the City's website, Internet posting on the Utah Public Notices website, publication on the City's government and education cable television~~

channel, or other means of notification which the Purchasing Agent reasonably believes is likely to be a cost-effective and practical means of notification. ~~accessed by City residents.~~

- (6) *Significant parcel of real property* means City-owned real property whose reasonable estimated value exceeds \$40,000.00.
- (7) *Surplus property* means City property that is so used, obsolete, depreciated, excess or is no longer necessary to current and projected needs as to be unfit or undesirable for use or retention by the City.
- (b) The Purchasing Agent shall dispose of surplus property pursuant to existing state law and as follows:
 - (1) All department heads shall, from time to time, identify and give notice in a signed writing to the City's Chief Administrative Officer (CAO) and the Purchasing Agent of surplus property within the control of that department.
 - (2) Whenever the surplus property is real property, or personal property with a reasonable estimated value of more than \$2,000.00, prior to its disposal the CAO or his designee shall disclose the disposal to the Mayor's Cabinet.
 - (3) Before any disposal of a significant parcel of real property, the City shall allow an opportunity for public comment on the proposed disposal providing reasonable notice at least 14 days before such public comment.
 - (4) The Purchasing Agent shall dispose of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Purchasing Agent:
 - a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding or bidding procedures are deemed unlikely to produce a competitive offer; or
 - b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law.
 - (5) When any surplus property has been disposed, the monies or credit therefor shall be credited:
 - a. To the City department or City office which requested its disposal if the disposal has been contemplated in the current annual budget;
 - b. To the City's General Fund if the disposal has not been contemplated in the current annual budget; or
 - c. To a revenue account within the specific enterprise fund if originally procured from an enterprise fund or from properties attributable by the Mayor to use by an existing enterprise fund.
 - (6) The Finance Director shall report any disposal of surplus property to the City Council in the Comprehensive Annual Financial Report.
- (c) Notwithstanding the provisions of this section:
 - (1) Every conveyance or encumbrance of City property shall be made by the Mayor, or under the Mayor's express written authority, and pursuant to existing state law.
 - (2) The City may impose limitations or conditions on the future use of surplus property, in addition to those required under other titles or City ordinances, which limitations or conditions must be disclosed by the Purchasing Agent prior to its disposal.
 - (3) No provision of this section shall be construed to require or to invalidate any sale, conveyance, transaction, transfer or encumbrance by the City, nor to vest rights of action of any kind against the City, its officers, agents or employees.

(Revised Ords. 1978, § 11-1-24; Ord. No. 18-07 , § 1(exh. A, § 11-1-24), 3-20-2018)

CHAPTER 7-2. - LOST, ~~ABANDONED OR UNCLAIMED~~ MISLAID PROPERTY

~~Sec. 7-2-1. Disposition of Lost, Abandoned or Unclaimed Property.~~

~~It shall be the duty of the Chief of Police to keep all lost, abandoned or unclaimed property which comes into the possession of the Police Department or any of its members and he shall make all reasonable efforts to identify and locate the owners thereof and restore said property to such owner.~~

(Revised Ords. 1978, § 11-2-1; Ord. No. ~~18-07~~ , § 1(exh. A, § 11-2-1), ~~3-20-2018~~)

~~Sec. 7-2-2. Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

(1) ~~Abandoned property means personal property found under circumstances reasonably indicating that the owner does not intend to control or possess it.~~

(2) ~~Lost property means personal property, the location of which is unknown to the owner.~~

(3) ~~Unclaimed property means personal property held by the Police Department for a period of three months or more and is unclaimed within that period by the owner; or is personal property held by the Police Department in connection with a court proceeding, the disposition of which is not otherwise determined by law or court order, and is unclaimed by the owner within a period of three months following the end of said court proceeding.~~

(Revised Ords. 1978, § 11-2-2; Ord. No. ~~18-07~~ , § 1(exh. A, § 11-2-2), ~~3-20-2018~~)

~~Sec. 7-2-3. Identified Owner.~~

~~Whenever the owner of lost, abandoned, or unclaimed property is identified and located, the Chief of Police shall send, by way of registered letter, written notice to the owner, describing the property, giving its present location, stating the circumstances under which he came into possession thereof, and giving notice to the owner that he must claim his property within the time provided by this notice or the property will be disposed of as hereinafter provided.~~

(Revised Ords. 1978, § 11-2-3; Ord. No. ~~18-07~~ , § 1(exh. A, § 11-2-3), ~~3-20-2018~~)

~~Sec. 7-2-4. Advertising Property.~~

~~If the owner of lost, abandoned, or unclaimed property fails to claim such property within 15 days after the receipt of notice, or is not identified and located within a period of three months, the Chief may compile a list of said property for distribution to other City departments as stated in [Section 7-2-5](#). If, after 30 days of notifying other City departments of available property, there is still property for sale, the Chief may advertise the sale of~~

such property for at least five days in a newspaper of general circulation in the City and may, on the date specified in such advertisement, offer the property to the public at public auction. The time of the public sale shall be scheduled for a date not more than 30 days after published notice of the sale has been completed.

(Revised Ords. 1978, § 11-2-4; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-4), 3-20-2018)

~~Sec. 7-2-5. Notifying City Departments.~~

~~The Chief shall also mail the above-described list of all lost, abandoned, or unclaimed property which is available for public sale to the Purchasing Department. The Purchasing Department will then notify the other City departments of the property offered for public sale.~~

(Revised Ords. 1978, § 11-2-5; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-5), 3-20-2018)

~~Sec. 7-2-6. Requests for Use of Property.~~

~~If a City department wishes to utilize any of the lost, abandoned, or unclaimed property offered for sale, then a written request stating which property is needed shall be forwarded to the Police Department and the Purchasing Department not later than seven days before the public sale.~~

(Revised Ords. 1978, § 11-2-6; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-6), 3-20-2018)

~~Sec. 7-2-7. Joint Committee to Review Requests.~~

~~A joint committee comprised of an authorized representative from the Police Department and an authorized representative from the City Purchasing Department shall then review departmental requests for the use of property and shall determine which department, if more than one request for the same property is received, shall be assigned the property. The remaining advertised property will then be offered for public sale on the published date; provided, however, that this joint committee may authorize the Police Department to destroy or otherwise dispose of any property subject to this chapter where such property is determined valueless or of such little value that the costs of conducting a sale and advertising would exceed the amount realized therefrom.~~

(Revised Ords. 1978, § 11-2-7; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-7), 3-20-2018)

~~Sec. 7-2-8. Donated or Destroyed Property.~~

~~All advertised lost, abandoned, or unclaimed property remaining unsold or unassigned for departmental use under the preceding sections of this chapter may then either be destroyed or donated to public or private charities as directed by the joint committee.~~

(Revised Ords. 1978, § 11-2-9; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-9), 3-20-2018)

~~Sec. 7-2-9. Report to the Recorder by Committee.~~

~~The joint committee shall make a report to the City Recorder, at the time of sale or disposition, containing a listing of property sold or distributed under the provisions of this chapter; the amount of money received from public~~

sales; and the fair market value, estimated by the joint committee, of any property distributed for use by a City department.

(Revised Ords. 1978, § 11-2-10; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-10), 3-20-2018)

~~Sec. 7-2-10. Separate Fund for Monies Received.~~

~~All money from the public sale of lost, abandoned or unclaimed property shall be kept in a separate fund credited to the City.~~

(Revised Ords. 1978, § 11-2-11; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-11), 3-20-2018)

~~Sec. 7-2-11. Reclaiming of Property by Owner.~~

~~If the owner, his legal representative or successor of any lost, abandoned, or unclaimed property sold at auction or utilized by a City department demands his property within three years from the date the property was received by the Police Department, the City Treasurer shall pay to him, after deducting the fees and expenses of the City in relation to the matter, the proceeds of the public sale or, if the property was assigned for use by a City department, the fair market value of the property.~~

(Revised Ords. 1978, § 11-2-12; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-12), 3-20-2018)

~~Sec. 7-2-12. Failure to Claim Property by Owner.~~

~~If the owner, his legal representative or successor of any lost, abandoned, or unclaimed property sold at auction does not claim the proceeds from the sale of his property within the three-year period, the proceeds from the public sale shall revert to the City General Fund.~~

(Revised Ords. 1978, § 11-2-13; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-13), 3-20-2018)

~~Sec. 7-2-13. Chief of Police to Act as Depository.~~

~~The Chief shall have the power to receive lost, abandoned, or unclaimed tangible or intangible property from a private citizen. He shall then make reasonable efforts to locate the owner of said property, but, if after three months, the owner has not been located or the property claimed, the property shall be returned to the citizen. If the citizen disclaims the property, then the property shall be distributed according to the provisions of this chapter.~~

(Revised Ords. 1978, § 11-2-14; Ord. No. ~~18-07~~, § 1(exh. A, § 11-2-14), 3-20-2018)

Sec. 7-2-1. - Definitions.

(1) *Lost or mislaid property means the following:*

(a) Any personal property (sometimes referred to as “property” herein) that comes into the possession of a Sandy City employee a Sandy City peace officer or as an employee of a Sandy City law enforcement agency:

(i) That is not claimed by anyone who is identified as the owner of the property;

(ii) For which no owner or interest holder can be found after a reasonable and diligent search; or

(iii) From a person claiming to have found the property; and

(b) Does not include property seized by a Sandy City employee in his or her capacity as a peace officer or as an employee of a law enforcement agency pursuant to Utah Code Annotated Chapter 77-24a, Lost or Mislaid Property .

(2) *Property held as evidence* means any property received in evidence by a court, or held as evidence in the investigation or prosecution of a crime by the Police Department or the City Prosecutor.

(3) *Public interest use* means use by a governmental agency as approved by the Chief Administrative Officer or his or her designee, the Mayor, or City Council as provided in this chapter; or use by an organization which qualifies for exemption from federal income tax under Title 26, Section 501(c)(3) of the United States Code.

(4) *Unclaimed property* means tangible and intangible property that comes into the possession of a Sandy City employee through circumstances not related to a criminal case in which the owner is either unknown or not able to take possession of the property.

Sec. 7-2-2. - Disposition of Lost or Mislaid Property.

Lost or mislaid property shall be disposed of in accordance with Utah Code Chapter 77-24a, as amended, or its successor statute.

Sec. 7-2-3. - Disposition of Property No Longer Needed as Evidence.

Property held as evidence that is no longer needed as evidence shall be disposed of in accordance with Utah Code Chapter 24-3, as amended, or its successor statute.

Sec. 7-2-4. - Disposition of Found Property to Finder.

Unclaimed property which has been surrendered to the City by one who found the property and for which no owner has been identified, shall be released to the finder on the following conditions:

(1) There has expired not less than thirty (30) calendar days from date of surrender to the City;

(2) The finder signs a statement containing and attesting to the truth of the following information:

____ (a) An explanation as to how the property came into the finder's possession, including the time, date and place;

____ (b) A statement that the finder does not know who owns the property;

____ (c) A statement that, to the finder's knowledge, the property was not stolen;

____ (d) A statement that the finder believes that the property is not stolen, and that the finder did not steal the property himself or herself or in concert with others;

____ (e) Such other information known to the finder that may lead to the identification of the owner; and

____ (f) Other information which the department receiving the property may request that will reasonably lead to discovering the owner;

(3) The owner has not been determined after reasonable efforts by the City;

(4) The intent to dispose of the property has been advertised by the procedure set forth in this chapter; the finder has paid the City's out-of-pocket costs of advertising and storage except as reasonably reduced in the discretion of the Chief of Police, or his or her designee, and at least eight (8) days have elapsed from the date of publication and posting of the notice; and

(5) No City employee may claim or receive unclaimed property found in the City.

Sec. 7-2-5. - Process for Disposition of Unclaimed Property When There is No Finder.

Unclaimed property that is acquired by the City and is not claimed by the owner within thirty (30) calendar days following the receipt of the property by the City, except for instances where there is a finder claiming an interest in the unclaimed property pursuant to Section 7-2-4 of this chapter, shall be disposed of by sale or appropriated for public use as follows:

(1) *Notice of Disposition Procedure:*

____ (a) *Public Notice.* After the expiration of thirty (30) calendar days from receipt of the property, the City shall post notice of the intent to dispose of the unclaimed property with, where practical , cost-effective, and where doing so will not make identifying the owner more difficult, a reasonably detailed description of the property and information about where and when it was found, in at least two of the following ways as provided by City policy or rule, or if not specified in such policy or rule, then by the City's Chief of Police or his or her designee:

____ (i) Publish notice of intent to dispose of the unclaimed property one or more times in a newspaper of general circulation within Salt Lake County;

(ii). Post notice at a prominent place in the City Hall and other public place within the City designated by the City's Chief of Police or his or her designee; or

(iii) Post notice at one or more websites designated by the City's Chief of Police or his or her designee.

(b) *Notice Contents.* The published and posted notice shall contain the date of intended disposition. Items may be listed by categories or other general groupings.

(c) *Waiting Period.* The property shall be held by the City and not disposed of for a minimum of eight (8) calendar days, after the date of posting and publication of the notice.

(2) *Return to Owner.* If the owner of the property claims the property prior to the expiration of the waiting period set out in Section 7-2-4 or Subsection 7-2-5(a), upon providing reasonable proof of ownership, the property shall be returned to such owner.

Sec. 7-2-6. - Transfer of Ownership of Unclaimed Property.

If the finder or owner does not claim lost or mislaid property pursuant to Sections 7-2-4 or 7-2-5 of this chapter, the City in its discretion may dispose of it in any of the following ways:

(1) Appropriate the item for public interest use, as provided in this chapter;

(2) Destroy the property if it determines that that

(a) the value of the property is worth less than the total cost to move, store, and dispose of it, or

(b) if the property consists of an illegal drug as defined in Utah Code Section 58-37e-2, or

(c) consists of other items which are illegal, destructive of morals or decency, or are unsafe, or unhealthful to own or distribute; or

(3) Sell the item by competitive bid or at a public auction, with the proceeds being made available for a public interest use.

(4) The City may adopt a policy or rule on disposing of lost or mislaid property consistent with this chapter.