



Board Policy No. 422

Disposition of Lost and Unclaimed Property

ADOPTED: 01/14

RECENT AMENDMENT: (Retyped)

SEE ALSO:

SUBJECT CATEGORY: SECTION 400, OPERATIONS

SUBSECTION: CUSTOMER SERVICE

CONTROL DEPARTMENT: CUSTOMER SERVICE

I. PURPOSE

To establish an Administrative Regulation to ensure that AC Transit is in compliance with sections 2080.1 – 2080.6 of the California Civil Code prescribing the disposition of lost and unclaimed property.

The California Civil Code requires the following:

Civil Code section 2080.6 (a) Any public agency may elect to be governed by the provisions of this article with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale or destruction of unclaimed property in its possession. Any public agency adopting such regulations shall provide therein (1) that such unclaimed property shall be held by such agency for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) notice of such sale shall be given by the chief administrative office of such agency at least five days before the time fixed therefore by publication once in a newspaper of general circulation in the county in which such property was found. Any property remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of by the public agency.

Civil Code section 2080.3 (b) If the reported value of the property is less than two hundred fifty dollars (\$250) and no owner appears and proves his or her ownership of the property within 90 days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction.

II. DEFINITIONS

“Lost and unclaimed property” shall mean any money, goods, or other personal items or articles brought to the District or found upon or within the property of the District, where the owner of such lost or unclaimed property is unknown; provided, however, that property held as evidence, dangerous weapons or deadly weapons, narcotics or dangerous drugs, explosives or any property of any kind whatsoever, which is prohibited by or described in State or Federal statutes, shall not constitute lost and unclaimed property as herein defined.

“Abandoned property” shall mean any property left behind intentionally and permanently when it appears that the former owner does not intend to come back, pick it up, or use it.

“Perishable goods” shall mean anything that will mold, spoil, damage surrounding environment, or attract pests, including liquids.

“District representatives” shall mean officers, agents, employees, or Directors of Alameda-Contra Costa Transit District.

III. POLICY

A. Care and Restitution

The General Manager or his or her designee shall designate a central repository for lost and unclaimed property. All District representatives who find such property shall deliver it to the appropriate District employee in charge, who will tag and log the item and arrange for delivery to the central repository, where the article shall be properly inventoried and stored.

All lost and unclaimed property shall be kept by the District using ordinary care to keep such property safely. If an owner appears and the property in question is in the possession of the District, the owner shall produce proof of his or her ownership. The property shall be returned to said owner upon executing a receipt for the property.

Property excepted from the definition of lost and unclaimed property in Section II shall be turned over to the law enforcement agency of the jurisdiction in which it is found. Abandoned property and perishable goods as defined in Section II may be destroyed or otherwise disposed of as the General Manager or his or her designee may direct.

B. Period To Be Held

All lost and unclaimed property in the possession of the District shall be stored in the central repository for at least three (3) months.

C. Notice and Sale

At any time after the expiration of said three (3) month period, the District may dispose of the lost and unclaimed property in accordance with procedures set forth in this subsection and Subsection D. The General Manager or his or her designee shall cause to be published once, in a newspaper of general circulation in the county in which the property was found, a notice of the District’s intention to sell at public auction to the highest bidder at the time and place therein specified, all such lost and unclaimed property. Such notice of sale shall be published not less than five (5) days prior to the time fixed for the auction.

The auction may be conducted by the General Manager or his or her authorized representative; the District may enlist the services of a professional auctioneer to conduct the auction on behalf of the District. Items shall be sold to the highest bidder at public auction.

Lost and unclaimed money in the custody of the District that is not claimed within the three (3) month period shall be delivered to the District Treasurer for deposit into the District's general fund.

Property determined by the District to be needed for a public use may be retained by the District and need not be sold.

D. Heading Expenses and Procedures of Sale

The expenses of the auction or any other method of disposition authorized in Subsection E. shall be a proper charge against the funds of the District and all proceeds received from the auction or any other method of disposition of the property under Subsection E. shall be delivered to the District Treasurer for deposit into the District's general fund.

E. Unsold Items

Lost and unclaimed property not sold at auction may be given to a non-profit charitable organization, destroyed or disposed of in any lawful manner as the General Manager or his or her designee may direct.