

# OFFICE OF THE CITY ATTORNEY

## Memorandum

TO: Mayor and City Council  
FROM: Hannah Vickery  
DATE: 10/19/2018

RE: A RESOLUTION OF THE CITY OF SOUTH SALT LAKE CITY  
COUNCIL GRANTING PERMISSION FOR THE POLICE  
DEPARTMENT TO APPROPRIATE CERTAIN PROPERTY IN ITS  
POSSESSION TO PUBLIC INTEREST USE.

Accompanying this memo is a proposed resolution allowing the police department to appropriate certain monies and other property held in its possession to public interest use, as per U.C.A. §§ 24-3-103 & 77-24a-5. Money and other property may come into the possession of police officers when it is seized pursuant to an investigation or turned over to the police for safekeeping. Pursuant to state law, after receiving prosecutorial and investigator approval to dispose of property held in a case, the police department attempts to make contact with the owner, if the owner is known. In many cases, the owner of property is not identified and the police hold onto the money for a sufficient amount of time to allow that person to request the property's return. In addition, the police department seeks to identify the owner of property prior to appropriating by noticing in the paper, on city website, and through bulletin notification in the police department lobby.

After reasonable time has passed as set forth in State law, the Police Department then petitions the City Council for approval to appropriate the property. State law allows the legislative body to approve the application of the property to a public interest, to sell the property at public auction and apply the proceeds of the sale to a public interest use, or to destroy the property if it is unfit for a public interest use or sale.

As you can see, this request is for the appropriation of money and other property held by police to public use. The money which is appropriated by this resolution will be deposited into the City's general fund. The other property will be sold at auction.

If you have any questions, please feel free to contact me.

cc: City Recorder