

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: Mayor and City Council
FROM: Josh Collins, Deputy City Attorney
DATE: 11/24/2020

RE: A RESOLUTION OF THE CITY OF SOUTH SALT LAKE CITY
COUNCIL GRANTING PERMISSION FOR THE SOUTH SALT LAKE
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 bicycles held in its possession to a public interest use, as allowed under Utah Code Ann. § 77-24a-5. Property, such as bicycles, 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. In those cases, the police hold onto the property for the time set forth in law to allow the owner to request the property's return. In addition, the police department proactively seeks to identify and notify the owner of property through notice 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 bicycles held by police to public use. Those bicycles will be donated to a nonprofit organization, Free Bikes 4 Kidz.

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

cc: City Recorder