

RESOLUTION NO. _____, SERIES OF 2024

**RESOLUTION CONCERNING THE DISPOSITION OF
ABANDONED PROPERTY HELD BY THE COUNTY**

WHEREAS, the Fremont County Board of County Commissioners is authorized by Colorado Revised Statutes §30-11-101(1)(i) to dispose of abandoned personal property acquired by an elected county official or county employee in performing official duties when the owner of such property cannot be determined or located; and

WHEREAS, such property may be sold, discarded, or used for County purposes as determined by the Board of County Commissioners to be in the best interests of the County; and

WHEREAS, the Board of County Commissioners has determined that it would be in the best interests of the County and would promote the efficient administration of County affairs to adopt a uniform policy regarding abandoned tangible personal property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that the following policy, which may be cited as the “Fremont County Abandoned Property Policy” is hereby adopted:

1. Terms Defined: As used in this policy, unless the context otherwise requires, terms are defined as follows:

“Abandoned property” means any lost, stolen or unclaimed tangible personal property held by or under the control of an official or employee of the County for a period of more than thirty (30) days after notice is provided in accordance with this policy. Property that has been confiscated pursuant to law by a peace officer of the County, but which is not subject to forfeiture or criminal proceedings as determined by the District Attorney of the 11th Judicial District, and the owner’s possession is otherwise illegal, or is otherwise determined by the holding law enforcement agency as dangerous, shall be deemed abandoned notwithstanding such notice requirement.

“Dangerous property” means property that poses a threat to the health, safety or welfare of the citizens of the County.

“Property” within the meaning of this policy does not include animals. In addition, abandoned motor vehicles shall be subject to the provisions set forth in Title 42 of the Colorado Revised Statutes.

“Nominal value” means a market value of fifty dollars (\$50.00) or less.

2. Applicability: This policy applies to all abandoned property in the possession of any county official or employee. It is the intent of the Board of County Commissioners that the policies set forth herein shall be consistent with Parts 3, 5, 6 and 7 of Article 13, Title 16 and Colorado Revised Statutes §18-12-110 regarding confiscated, seized and/or forfeited property and firearms.

3. Notice: Except as otherwise provided in this policy, the procedures for giving notice to owners of abandoned property are as follows:

- A. Except as otherwise required by subsection (C) of this section, when any tangible personal property has been in the possession of a county official or employee for one year or longer, the elected county official or the director of the county department having possession of such property, or their respective designees, may send a written notice to any known owner of such property at his or her last known address. When ownership of such property is unknown, the official or director shall determine any ownership interest that may be ascertained readily. The last known address of the owner shall be that shown by any official records of the County. The notice shall include a description of the property and, if applicable, how the county official or department acquired possession of the property. The notice shall state where the owner may claim the property.

- B. If the property remains unclaimed thirty (30) days after written notice has been sent to the last known address of the owner, the property shall be considered abandoned property subject to disposition as set forth herein. In the event ownership cannot be determined readily or there is no address for an owner in official records of the County, such property shall be deemed immediately abandoned.

- C. Any elected County official or employee, other than a law enforcement agency, who acquires possession of a firearm, as such term is defined in Colorado Revised Statutes §18-1-901(h), shall immediately notify the County Sheriff who shall take immediate custody of such property.

4. Disposition of abandoned property generally:

- A. A county official or the department head in possession of the abandoned property who wishes to retain such property for county use shall inform the County Administrator of the intent to retain the property. If the county official or the director of the department does not wish to retain the abandoned property, he or she shall immediately transfer such property to the County Finance Department. Such property shall be recorded and maintained the same as all other county property. Further disposition of such property shall be in accordance with the County Inventory Policy.

- B. Elected officials or department directors may establish administrative procedures for validating ownership of the property and the validity of any claim for such property.

- C. If property has nominal or no commercial value or the property is illegal or dangerous, the county official or department head or his or her respective designee holding such property may properly dispose of or destroy the property at any time.

5. Disposition of firearms: Unless otherwise required by state or federal law, including Article 13 of Title 16, of the Colorado Revised Statutes, any abandoned firearm, as such term is defined in Colorado Revised Statutes §18-1-901(3)(h), shall be disposed of as follows:

- A. Firearms may be retained by the Fremont County Sheriff's Office for training or operational use and shall be subject to applicable provisions of the Fremont County Inventory Policy.

B. Firearms may be sold or transferred directly to another law enforcement agency or may be traded for property held by another law enforcement agency.

C. Illegal or dangerous weapons as defined in Colorado Revised Statutes §18-12-102 or defaced firearms as defined in Colorado Revised Statutes §18-12-103 remaining in the possession of the Fremont County Sheriff and not used for purposes otherwise outlined herein shall be destroyed immediately by the Fremont County Sheriff or his designee.

6. Disposition of Perishable Property: If any property seized or otherwise obtained by the County is of a perishable nature, or such nature as to make it inadvisable in the opinion of the Board of County Commissioners to retain possession, such property shall be forthwith advertised for sale at public auction with public notice to be published in a newspaper of general circulation throughout the county, not less than three days prior to such sale, which notice shall contain the date, time and place of such sale and the reason for the immediate sale. Any proceeds from such sale shall be retained by the County and transmitted to the treasurer for deposit in the County General Fund. Property that has a perishable life of less than three days may be disposed of immediately by the county official or department head or his or her respective designee.

Commissioner _____ moved adoption of the foregoing Resolution, seconded by
Commissioner _____ and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Absent	Abstain
Kevin J. Grantham	Aye	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	Absent	Abstain

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: _____
Chairman

By: _____
Clerk to the Board