AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Disposition of Abandoned Snowmobiles

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

A RESOLUTION AUTHORIZING DISPOSITION OF CERTAIN ABANDONED SNOWMOBILES

Fiscal Impact:

Submitted by: Lauren Hibbard **Submitter's Email Address:** lhibbard@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 11/27/19

Reveiwed by: Discharge Date: 12/2/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/5/2019

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 12/10/2019

Revised April 2015

BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2019 - ____

A RESOLUTION AUTHORIZING DISPOSITION OF CERTAIN ABANDONED SNOWMOBILES

WHEREAS, periodically there are stored at the Gunnison County Colorado Public Works yard snowmobiles that have been abandoned on public property including public lands and public highways within Gunnison County boundaries; and

WHEREAS, it is the intent of the Board of County Commissioners of Gunnison County explicitly to identify and authorize the method of disposition of such abandoned snowmobiles; and

WHEREAS, C.R.S. 42-13-101 et seq. addresses the sale of unclaimed personal property; and

WHEREAS, C.R.S. 42-13-102, Sale of unclaimed property, states: "Any personal property (acquired or held by a law enforcement agency in the course of motor vehicle law enforcement or related highway duties and under circumstances supporting a reasonable belief that such property was abandoned) shall be retained in custody by the Sheriff…who shall make reasonable inquiry and effort to identify and notify the owner or person entitled to possession thereof and shall return the property after such owner or person provides reasonable and satisfactory proof of ownership or right to possession and reimburses the law enforcement agency of all reasonable expenses of such custody and handling;" and

WHEREAS, C.R.S. 42-13-103, Sale of unclaimed property, states: "If the identity or location of the owner or person entitled to possession of the property has not been ascertained within six months after the law enforcement agency obtains possession of the property…the Sheriff…shall effectuate sale of such property for cash to the highest bidder at a public auction, notice of which, including time, place, and a brief description of such property, shall be published at least once in a newspaper of general circulation in the County… at least ten days prior to the action;" and

WHEREAS, C.R.S. 42-13-109, Local Regulations, states: "The provisions of this article may be superseded by…resolution of a …county which sets forth procedures for disposition of personal property."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado:

1. Any and all snowmobiles currently in the possession of Gunnison County, or which may in the future be in the possession of Gunnison County, because they are abandoned or are

in violation of Gunnison County Resolution 2019-21 as that Resolution may be amended or superseded, shall be considered to be in the custody of the Sheriff of Gunnison County.

2. The "reasonable inquiry" diligence required by C.R.S. 42-13-102, Sale of unclaimed property, is satisfied by one notice mailed by the Sheriff by certified mail to the last registered owner of such motor vehicle.
3. The requirement of six months in C.R.S. 42-13-103 is replaced by two calendar weeks after post mark of the one notice mailed by certified mail by the Sheriff to the registered owner of such snowmobile.

This Resolution shall remain in force until and unless further action by the Board of County Commissioners is taken.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this ____ day of December, 2019.

BOARD OF COUNTY COMMISIONERS

OF THE COUNTY OF GUNNISON, COLORADO

By: _____

Jonathan Houck, Chairperson

By: _____

John Messner, Vice-Chairperson

By: _____

Roland Mason, Commissioner

ATTEST:

_____

Deputy County Clerk