

ORDINANCE NO. 1900

**AN ORDINANCE AUTHORIZING THE PUBLIC AUCTION
OF CERTAIN ABANDONED AND STOLEN PROPERTY**

WHEREAS, the City of Mountain Brook, Alabama, has taken up and stored abandoned and stolen personal property found within the corporate limits or outside the corporate limits but within the police jurisdiction; and

WHEREAS, Section 11-47-116 of the Alabama Code of 1975 authorizes the chief law enforcement officer of the City to sell such property at public auction to the highest bidder for cash and the proceeds of such sale are to be paid to the general fund of the City; and

WHEREAS, the City Clerk is hereby authorized and directed to publish at least twenty (20) days prior to the public auction a notice of the sale of such property by posting this ordinance at the following locations: City Hall, 56 Church Street, Overton Park, 3020 Overton Road, Gilchrist Pharmacy, 2850 Cahaba Road, and The Invitation Place, 3150 Overton Road; and

WHEREAS, the owner of any of the properties identified in Section 1 below may redeem the same at any time prior to its sale subject to their payment to the City of any redemption fees that may be set by the chief law enforcement officer of the City pursuant to Section 11-47-116 (b) of the Alabama Code of 1975.

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

Section 1. Pursuant to Section 11-47-116 of the Alabama Code of 1975, the City Council has determined that the following abandoned and stolen personal property are to be sold at public auction:

Case #	Property Type	Case Type	Item Description
69312/3/4	Evidence	Burglary	1-Apple iPod 30g, white, s/n: 8L619C8XSZ9
69312/3/4	Evidence	Burglary	1-Alpine car stereo amplifier, s/n: RZ0842636
201200021576	Property	Recovered Property	1-Allegro DVD player/VCR
201200021576	Property	Recovered Property	1-Sony stereo receiver
201200021576	Property	Recovered Property	1-Marantz 5-disc changer
201200007532	Property	Recovered Property	1-Tennis bag containing 4-tennis racquets
201300002353	Evidence	Burglary	2-fishing rods/reels, Daiwa brand
201200023042	Evidence	ID theft	1-Dell laptop, s/n: 47N2DV1
201200023042	Evidence	ID theft	1-KitchenAid juicer attachment
201000027550	Property	Recovered Property	1-purse, brand "Longchamp", contents: makeup
201200020265	Evidence	ID theft	1-Boss car amplifier, s/n: 1108038458

1900

Section 2. The following drug paraphernalia property shall be destroyed and disposed of by the chief law enforcement official of the City or his designee:

Case #	Property Type	Case Type	Item Description
201300010812	Property	Recovered Property	3-suitcase-type drug paraphernalia cases, empty

Section 3. Any properties identified in Section 1 above not sold at public auction after three attempts by the City shall be deemed worthless and the chief law enforcement official of the City shall be authorized to dispose of such properties.

Section 4. This ordinance shall become effective when published as required by law and the [initial] public auction of said property shall take place on or after December 15, 2013.

ADOPTED: This 25th day of November, 2013.



Council President

APPROVED: This 25th day of November, 2013.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its meeting held on this 25th day of November, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 26, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road



City Clerk

seized computer

1 message

James Griffin <jgriffin@bishopcolvin.com>

Wed, Nov 13, 2013 at 4:52 PM

Reply-To: jgriffin@bishopcolvin.com

To: Steve Boone <boones@mtnbrook.org>

Good afternoon Steve:

After reviewing the statute, Ala. Code Section 11-47-116, I can only conclude that the City does not have the option of using seized property, but must sell it at auction. There is a federal statute that provides differently for property seized in drug enforcement, but it does not apply to this computer here.

Section 11-47-116

Taking up and storing of abandoned and stolen personal property; redemption by owner; sale and disposition of proceeds.

(a) All municipalities are hereby authorized to provide by ordinance for the **taking up and storing of abandoned and stolen personal property** found within the corporate limits or outside the corporate limits but within the police jurisdictions and to sell the same in the manner provided in subsection (b) of this section. A permanent record giving the date of the taking of each piece of such property, the place where found and taken and a description of the property shall be kept. The property so taken shall be stored in a suitable place to protect it from deterioration; provided, that if the property be perishable the same may be sold at once without notice, in which case the proceeds shall be held for a period of six months for the account of the owner and if not called for within that time shall be converted into the general fund.

(b) At least every six months **the chief officer of the law enforcement department** of each such city and town adopting an ordinance under subsection (a) of this section **shall sell at public auction to the highest bidder for cash the property which shall have then been taken up** and stored for a period of three months or more, the sales to be made after notice of the time and place thereof shall have first been given by publication of notice once a week for two successive weeks in a newspaper of general circulation published in the city or town in question and, in cities and towns in which no newspaper is published, by posting such notice in a conspicuous place at the city hall or police station. The first publication or posting of notice, as the case may be, shall be at least 20 days before the sale. The owner of any of the property taken up and stored may redeem the same at any time prior to its sale by paying the reasonable expense of taking the property in charge, its maintenance and storage and a pro rata of the cost of publication. Each article shall be sold separately and a notation in the storage record book shall be made of the amount received for each article. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sales from time to time if no bidders are present. After deducting and paying all expenses incurred in the taking up, storing, maintaining and selling of the property, the balance, if any, shall be paid into the general fund of the municipality making the sale.

(Acts 1943, No. 533, p. 507.)

Please let me know if you wish me to follow up in any way. Thanks,

James B. Griffin

1910 First Avenue North
Birmingham, Alabama 35203
(205) 251-2881
jgriffin@bishopcolvin.com

November 21, 2013

To: Steve Boone
From: Corporal S. Stephens
Re: Evidence/Property surplus

I ask that the following items of evidence and/or property be deemed surplus by the Mountain Brook City Council at their earliest convenience. The items that are considered to have some value will be auctioned off by the department. The items that are not considered to have value, or would be inappropriate to auction off, will be destroyed.

Case #	Property Type	Case Type	Item Description
69312/3/4	Evidence	Burglary	1-Apple iPod 30g, white, s/n: 8L619C8XSZ9 1-Alpine car stereo amplifier, s/n: RZ0842636
201200021576	Property	Recovered Property	1-Allegro DVD player/VCR 1-Sony stereo receiver 1-Marantz 5-disc changer
201200007532	Property	Recovered Property	1-Tennis bag containing 4-tennis racquets
201300002353	Evidence	Burglary	2-fishing rods/reels, Daiwa brand
201300010812	Property	Recovered Property	3-suitcase-type drug paraphernalia cases, empty
201200023042	Evidence	ID theft	1-Dell laptop, s/n: 47N2DV1 1-KitchenAid juicer attachment
201000027550	Property	Recovered Property	1-purse, brand "Longchamp", contents: makeup
201200020265	Evidence	ID theft	1-Boss car amplifier, s/n: 1108038458



Mountain Brook Police Department

101 Tibbett Street
Mountain Brook, Alabama 35213
Phone: 205.802.2414
Fax: 205.802-2415

November 6, 2013

To: Steve Boone

From: Corporal S. Stephens *AS*

Re: Condemning Evidence/Converting to Agency Use

Mountain Brook Police Department Detective Sgt. Pollard worked an identity theft case (201200023042) in December 2012. During the investigation a brand new, sealed in the box, laptop computer was turned over to Sgt. Pollard by a subject whose name came up during investigation. This subject was determined not to be involved with this crime. However, this subject had been scammed into receiving property (stolen or purchased through fraud) from unknown individuals and shipping them out of the country. The laptop was most likely stolen or purchased through some sort of theft or deception. We have no additional information about a victim or owner of the laptop, whether an individual or corporation.

The laptop has been in the possession of the Mountain Brook Police Department Evidence Unit since March 4, 2013, over seven months prior to the date of this letter. Our ID theft case has been closed. The case was referred to the U.S. Postal Inspector's Office by Sgt. Pollard. I communicated with Sgt. Pollard via email on June 17, 2013 regarding the status of this case and the associated property. He advised me that there was no hope of finding the victim in regard to the laptop and authorized me to dispose of the case evidence in an appropriate manner.

I checked with Brady Rigdon with the Jefferson County District Attorney's office about this matter. Mr. Rigdon handles all the asset forfeiture claims for the D.A.'s office. He advised me that there is no basis for their office to condemn this property and the matter of property disposal is up to the discretion of the municipality. I ask that this laptop be deemed surplus property by the Mountain Brook City Council for the purpose of its conversion to agency use.

Laptop information:

Make: Dell
Model: Inspiron 3520
Serial#: 47N2DV1
Approximate value: \$450