

EXECUTIVE ORDER NO. 24

TO: All Agencies Under the Mayor

FROM: Wellington E. Webb
M A Y O R

DATE: February 25, 2002

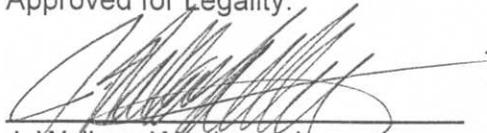
SUBJECT: Surplus and Unclaimed Property Control and Disposition

This Executive Order establishes the policy of the City and County of Denver for the control and disposition of surplus property and unclaimed property pursuant to the authority granted to the Mayor under Article I of the Charter of the City and County of Denver as amended; to the Manager of General Services pursuant to Charter Section A12.3-3; and the Manager of General Services, the Manager of Safety and the Manager of Revenue pursuant to Section 42-76, et. seq. of the Denver Revised Municipal Code. Executive Order No. 24, dated December 6, 1990, is hereby canceled and superseded by this Executive Order.

- 1.0 The custody and disposition of all surplus, escheated (becomes the property of) and unclaimed (lost and found) personal property for all departments and agencies, boards, commissions and authorities is hereby centralized in the Department of General Services, Purchasing Division unless otherwise specified in applicable law.
- 2.0 The Director of Purchasing will maintain an equipment pool of items obtained from surplus property inventory such as desks, chairs, and filing cabinets. These items will be available for loan or permanent assignment to City agencies upon written request. The number and types of items maintained in the pool will be determined by the Director based upon historical usage.
- 3.0 The Director of Purchasing may dispose of surplus property as provided by applicable law.
- 4.0 All proceeds from the sale of City surplus property acquired with general fund monies and all proceeds from the sale of unclaimed (lost and found) property will be deposited into the General Fund unless otherwise specified by law. Proceeds from the sale of surplus property originally acquired with proprietary funds will be apportioned to such funds by the Manager of Revenue in accordance with Article 5, Chapter A of the Denver Charter.
- 5.0 All costs incurred by the Purchasing Division in connection with the sale of City surplus and/or unclaimed property will be paid from sales proceeds. Proprietary funds will be charged their proportionate share of expenses against sales proceeds.

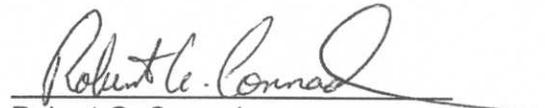
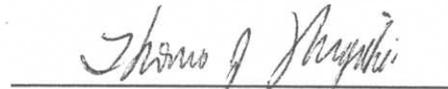
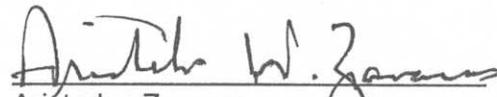
- 6.0 City property (excluding unclaimed property) which becomes surplus, for whatever reason, shall be reported to the Department of General Services, Purchasing Division, as surplus by the agency or department head to which the property is assigned in compliance with procedures set forth in Memorandum Attachment No. 24A.
- 7.0 Unclaimed property which comes into the possession of any department or agency of the city shall also be reported to the Department of General Services, Purchasing Division, by the agency or department head in compliance with procedures set forth in Memorandum Attachment No. 24A.
- 8.0 The procedure for implementing this Executive Order shall be defined by Memorandum attachments to the Executive Order, which shall become a part of the Executive Order. The Director of Purchasing shall have the authority to issue policy and procedure Memoranda relative to this Executive Order. Further, the Director of Purchasing shall have the authority to issue Memorandum attachments relative to this Executive Order which shall be attached to and become a part of this Executive Order.

Approved for Legality:



J. Wallace Wortham, Jr.
Attorney for the City and County
of Denver

Approved:


Wellington E. Webb
MAYOR
Bruce Baumgartner
Manager of Aviation
Robert G. Conrad
Acting Manager of Environmental Health
Thomas J. Migaki
Manager of General Services
James E. Mejia
Manager of Parks & Recreation
Stephanie A. Foote
Manager of Public Works
Cheryl D. Cohen-Vader
Manager of Revenue
Aristedes Zavaras
Manager of Safety
Chris Veasey
Manager of Human Services

MEMORANDUM NO. 24A

TO: All Agencies Under the Mayor.

FROM: Wellington E. Webb
M A Y O R

DATE: February 25, 2002

SUBJECT: Procedures for Implementing Executive Order No. 24, "Surplus and Unclaimed Property Control and Disposition".

This Memorandum shall be attached to and become a part of Executive Order No. 24 dated February 25, 2002, subject "Surplus and Unclaimed Property Control and Disposition"

1.0 **Definitions:**

- 1.1 **Surplus property:** all supplies, equipment and personal property owned by the City which is no longer in use and declared surplus by an agency or department, board, authority or commission of the City. Surplus property includes and is not limited to: supplies, tools, equipment, vehicles, personal property, scrap, elk and bison. Surplus property does not include property which is shipped by a supplier to an agency but is damaged, shipped in error, or an unacceptable substitution. Such property should be returned to the supplier by the agency. Surplus property does not include property purchased with Federal, State or private grant funds unless title to such property is vested indefeasibly in the City.
- 1.2 **Unclaimed property:** lost, stolen, abandoned or confiscated property (excluding vehicles) which has been delivered to the Denver Police Property Custodian and has subsequently escheated to the city, as provided in D.R.M.C. Section 42-76 et. seq. or property which has come into the possession of any city department, agency, board, commission or authority and which is generally described as "lost and found" property.
- 1.3 **Custodian of Property:** that person at a department or agency assigned to the responsibility of securing, examining, disposing of, maintaining and transporting to the General Services Surplus Warehouse personal property that becomes unclaimed at their department or agency. This does not include the Denver Police Property Custodian whose authority and responsibilities are set forth in D. R.M. C. Section 42-76 et. Seq.

- 1.4 **Finder of Property:** any person who finds personal property on city-owned or city-leased, or city-rented premises and who releases the personal property to an officer or employee of the city. When an officer or employee of the city finds personal property in the course of their employment, the city shall be deemed the finder and such property shall be delivered to the Custodian of Property either at the Department or Agency where the property was found or to the Department of General Services, Administrator of Surplus.
- 1.5 **Administrator of Surplus:** a person employed by the Department of General Services who is responsible for the day-to-day administration of determining the disposition and method of disposal of the city's surplus and escheated property .
- 2.0 **Property declared surplus when replacement is necessary** (where trade-in to the vendor is part of the purchase transaction) shall be reported on a purchase requisition (ASPEN 14) or an attachment thereto. The following information must be included for each item or type of property declared surplus on a purchase requisition or attachment thereto:
- (a) Complete description of property;
 - (b) City inventory number;
 - (c) Machine serial numbers;
 - (d) Year, make and model number;
 - (e) Location of surplus item.
- 3.0 **Property declared surplus when replacement is not necessary** (not to be used as trade-in) shall be reported as such to the Purchasing Division by the agency or department on a "Transfer of Surplus Property" Form 13 G/S as follows:
- (a) Complete the appropriate blocks on the Form 13 G/S to include complete description, inventory number, serial number and original cost;
 - (b) Approval signatures required from Manager or Deputy of appropriate agency or an authorized designee;
 - (c) If the item is a "Capitalized or "controlled" asset as defined in the City's fixed asset fiscal rules. Attach to the Form 13 G/S a copy (screen shot or query/report) of the PeopleSoft Asset Management tracking system profile for the item. The screen shot or query/report should indicate the appropriate status for the item being surplused.
- 3.1 Agencies may request on the Form 13 G/S that surplus property be directly transferred to another agency. Such requests must be approved by the Purchasing Division.

- 3.2 If the appropriate disposition of the surplus property cannot be determined telephonically or by electronic communication with the Surplus Administrator or the Surplus Warehouse Stockkeeper, within 30 days of receipt of the Form 13 G/S, the Purchasing Division will examine the surplus property and determine the method of disposition. The Purchasing Division will direct the agency to do one of the following;
- (a) Hold the surplus property until such time as it can be accepted at the surplus warehouse;
 - (b) Transport the property to a designated site for sale by auction;
 - (c) Prepare the property for an on-site auction or for sealed bid sale;
 - (d) Dispose of the property as scrap;
 - (e) Directly transfer the property to another City agency;
 - (f) Use the surplus property as a trade-in.
- 3.3 Agencies and departments may not transport surplus property to the Surplus Property Warehouse without written authorization of the Purchasing Division.

4.0 **Unclaimed Property Policy and Requests for Transfer** (property escheated to the City)

Once unclaimed property has escheated to the City in accordance with D. R.M.C. Sections 42-84 and 42-85, the Director of Purchasing may retain unclaimed property in the surplus pool for future City use, permanently assign the property to City departments or agencies, or sell the property at public auction, or, in the case of property such as jewelry and gems which in the opinion of the Director of Purchasing has special value, by sealed bid. Property which is customarily purchased by City agencies or which has been demonstrated as necessary to meet special needs will be considered for retention for City use. The Director of Purchasing will consider the potential savings to the City from assigning unclaimed property to agencies versus the potential loss in revenues generated by sale. The Director of Purchasing may disapprove any or all requests for transfer of unclaimed property when it is in the best interests of the City to do so.

- 4.1 General descriptions of available unclaimed property shall be distributed to City agencies and departments on a periodic basis by the Department of General Services, Purchasing Division.
- 4.2 Agencies may submit requests to the Purchasing Division for the transfer of unclaimed property at any time on the "Request for Surplus Property: Form GS 119. Requests must be signed by the agency or department head prior to submission to the Purchasing Division. Agencies will be notified when the requested item is available.

4.2.1 Agencies may not view unclaimed property prior to requesting the transfer of same. The Purchasing division will notify agencies which have requests on file of a date and time when they may view items which fit their requests.

4.3 When unclaimed property is transferred to the department or agency, the Purchasing Division will provide the Auditor's Office and the appropriate department or agency with the following information:

- (a) Inventory number
- (b) Serial number
- (c) Estimated Cost
- (d) Complete description

4.3.1 Agencies must ensure that all property received which is valued at or more than the amount specified in current Fiscal Rules for capital or controlled assets be carried on internal inventory and in the PeopleSoft Asset Management Module. If the agency's inventory is not carried on the PeopleSoft Asset Management Module File then only internal inventory (if any) is required for these unclaimed items.

5.0 Lost and Found Property

All Managers of departments and agencies of the city other than the Denver Police Department which accumulate personal property generally described as "lost and found" property shall be responsible for:

- 5.1 Providing a secure (locked and limited access) space at the department or agency where "lost and found" personal property can be stored.
- 5.2 Assigning at least one individual at the department or agency to be responsible for "lost and found" personal property who shall be designated the Custodian of Property.
- 5.3 The Custodian of Property shall be responsible for:
 - a) Immediately disposing of property that reasonably appears to pose a sanitary, health or safety hazard. This may include but may not be limited to chemicals, medicines, fuels, alcohol, soiled clothing or any other items soiled by unknown or unidentifiable substances. The custodian shall keep a log of all property disposed of pursuant to this subsection. The log shall provide a description of the property along with a notation of where the property was lost or found, the name, phone number and address of the finder of the property (if any) the date the property came into the custodian's custody and the date the property was destroyed.

- b) Upon coming into possession of personal property which has no known owner, the custodian shall log a description of the property along with a notation of where the property was lost or found, the name, phone number and address of the finder of the property (if any) and the date the property came into the custodian's custody.
- c) If the owner of the property is known and an address or telephone number of the owner is known, the custodian shall cause the owner to be notified in writing or telephonically that such property is in the possession of the department or agency, that it may be reclaimed at the department or agency, and that it will be sold or otherwise disposed of by the city unless the owner reclaims the property within fourteen (14) days after the date the notice is deposited in the mail or the telephonic notice is made. The Custodian shall log a description of the property along with a notation of where the property was lost or found, the name, phone number and address of the finder of the property (if any), the date the property came into the custodian's custody and the date of the telephonic conversation or the date the written notice is deposited in the mail.

If there is a finder of the property, the custodian shall issue a receipt for the property to the finder.

- d) If, after fourteen (14) days of coming into the possession of the personal property or after fourteen (14) days of notification as provided in subsection c), above, no owner reclaims the personal property, the personal property shall be delivered to the Department of General Services Surplus Warehouse, along with a copy of the information contained in the log as provided by Sections 5.3 b) and c) for determination of disposition or disposal after the said property has escheated to the City according to D.R.M.C. Section 42-84. Return of personal property to a finder shall be as provided by D.R.M.C. Section 42-83.
- d) The Custodian should log the date and action taken to dispose of the property.

Disposal and disposition of this personal property shall be as provided by Section 5.3 d), with the exception of currency, which shall be transmitted by the Administrator of Surplus to the Treasurer of the City through a Receipts Transmittal process and shall be deposited to an account identified by the Treasurer as appropriate for the said deposit.

- e) The custodian or the Administrator of Surplus shall have the authority to release personal property to anyone claiming to be the owner after establishing satisfactory proof of ownership. Prior to releasing the personal property to the owner, the custodian or the Administrator of Surplus shall obtain a signed receipt for the personal property from the owner and log the final disposition of the property.