ORDINANCE NO. 2426

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 2 ADMINISTRATION, ARTICLE II OFFICERS AND EMPLOYEES, DIVISION 1 GENERALLY BY AMENDING SECTION 2-31 RULES AND REGULATIONS ADOPTED RELATED TO APPROVAL OF PERSONNEL RULES; AND BY AMENDING SECTION 2-56 ASSISTANT TOWN MANAGER TO CHANGE THE NAME OF THE OFFICE; AMENDING SECTION 2-57 ACTING TOWN MANAGER RELATED TO SUCCESSION IN THE ABSENCE OF THE TOWN MANAGER; AMENDING SECTION 2-58 POWERS AND DUTIES RELATED TO THE AUTHORITY OF THE TOWN MANAGER; AMENDING SECTION 2-61 AUTHORITY TO SETTLE CLAIMS RELATED TO THE MANAGER'S AUTHORITY TO SETTLE CLAIMS ON BEHALF OF THE TOWN; AMENDING DIVISION 3 CLERK BY AMENDING SECTION 2-83 SPECIFIC DUTIES RELATED TO THE DUTIES OF THE TOWN CLERK; ADDING NEW DIVISION 4 TOWN ATTORNEY RELATED TO THE APPOINTMENT AND DUTIES OF THE TOWN ATTORNEY; REPEALING ARTICLE III DEPARTMENTS IN ITS ENTIRETY; ADOPTING NEW ARTICLE III DEPARTMENTS, SETTING FORTH THE ORGANIZATION OF TOWN DEPARTMENTS; AMENDING ARTICLE IV PROCUREMENT, DIVISION 2 PURCHASING BY AMENDING SECTION 2-356 DEFINITIONS TO DELETE THE DEFINITION OF "PURCHASE AMOUNT" AND TO ADD THE DEFINITION OF "CONCESSIONAIRE AGREEMENT", AMENDING SECTION 2-357 APPLICABILITY, SUBSECTION (a) REGARDING CONCESSIONAIRE AGREEMENTS, AND ADDING NEW SECTION 2-365 CONCESSIONAIRE AGREEMENTS; AMENDING ARTICLE V DISPOSAL OF LOST, UNCLAIMED AND CONTESTED PROPERTY, SECTIONS 2-393 NOTICE OF DISPOSITION, 2-394 SERVICE AND PUBLICATION OF DISPOSITION,2-395 AWARD OF LOST PROPERTY TO FINDER, 2-396 DISPOSAL OF UNCLAIMED PROPERTY AND 2-398 DISPOSAL AND DESTRUCTION OF FIREARMS TO CONFORM TO NEW STATE LAW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Gilbert, Arizona has reorganized its operational structure including the roles and responsibilities of Town Departments; and

WHEREAS, the Common Council of the Town of Gilbert, Arizona desires to update the Code of Gilbert, Arizona to ensure proper and accurate references to its new operational structure;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 1 Generally is hereby amended by amending Section 2-31 Rules and Regulations Adopted to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-31. - Rules and regulations adopted.

That certain document entitled "Personnel Rules and Regulations, Town of Gilbert," three copies of which are on file in the office of the clerk, and as may be hereafter amended, is hereby adopted by the council and made a part of this section by reference as the personnel rules and regulations of the town. PERSONNEL RULES AND REGULATIONS MAY BE AMENDED BY RESOLUTION OF THE COUNCIL

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 2 Manager is hereby amended by amending Section 2-56 Assistant Town Manager and Section 2-57 Acting Town Manager to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-56. - ~~Assistant~~ DEPUTY TOWN manager.
The manager may appoint ~~an~~ A ~~assistant~~ DEPUTY town manager who shall serve at the pleasure of the manager.

Sec. 2-57 Acting Town Manager
In the event of the absence or ~~disability~~ UNAVAILABILITY of the manager, his powers and duties shall be performed by the following officers of the town and they are so appointed in the following order as each succeeding officer may be absent or ~~disabled~~ UNAVAILABLE:

(1) ~~Assistant~~ DEPUTY TOWN manager.

(2) ~~Director of public works~~ POLICE CHIEF.

(3) ~~Police chief~~ FIRE CHIEF.

(4) FINANCE AND MANAGEMENT SERVICES DIRECTOR.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 2 Manager is hereby amended by amending Section 2-58 Powers and Duties to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-58 Powers and Duties

The manager shall be the chief administrative officer and head of the administrative branch of the town. He shall be responsible to the council for the proper administration of all affairs of the town and shall have the power and be required to:

(1) DIRECT THE OFFICE OF THE TOWN MANAGER IN ACCORDANCE WITH THIS CODE AND execute, on behalf of the council, general administrative supervision and control of the affairs of the town.

(2) Attend meetings of the council with a duty of reporting on or discussing any matter concerning the affairs of the departments, board, services or activities under his supervision, upon which, in his judgment, the council should be informed.

(3) Appoint and, when necessary, suspend and remove all employees of the town except appointed officials pursuant to the personnel rules and regulations, this Code, and ordinances of the town.

(4) ~~Advise and consult with the council with respect to the appointment of all appointive officers of the town, and recommend the removal or suspension of any such officers when such removal or suspension shall be consistent with the best interests of the town.~~ IN ADDITION TO THE DEPARTMENTS CREATED PURSUANT TO SECTION 2-131, CREATE SUCH DEPARTMENTS AND OFFICES HE DEEMS NECESSARY FOR THE GOVERNANCE OF THE TOWN CONSISTENT WITH THE FUNDS AND TOTAL PERSONNEL INCLUDED WITHIN THE ADOPTED BUDGET.

(5) Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the town government, and on its behalf, carry out policies, rules, regulations, ordinances and provisions of this Code relating to the administration of the affairs of such departments, boards, divisions or services.

(6) Cause to be prepared and submitted to him by each department, board, division or service of the town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and miscellaneous operating costs; complete same into a preliminary consolidated town budget; and submit the same to the council annually on the dates specified by them, with his recommendation as to any increases, cancellations, transfers or changes in any of these items included in the preliminary budget.

(7) Supervise the expenditures of all departments, divisions or services of the town government.

(8) Analyze and supervise the functions, duties and activities of the various departments, boards, and services of the town government and of all employees thereof, and CONSISTENT WITH THE AUTHORITY AND POWERS DESIGNATED IN THIS ARTICLE, ~~make recommendations to the council with reference thereto,~~ as in his judgment will result, if ~~adopted~~ IMPLEMENTED, in the greater efficiency of the overall operation of the town government.

(9) Develop and organize necessary improvement projects and programs and aid and assist the council and the various departments and boards in carrying the same through to a successful conclusion.

(10) Make or cause to be made and keep a current inventory of all the personal and real property owned by the town and recommend to the council the purchase of new machinery, equipment and supplies whenever, in his judgment, the same may be obtained under terms and conditions which are most advantageous to the town.

(11) Make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel employed by the town, ~~and recommend to the council~~ INCLUDING THE abolition, consolidation, transfer or removal of positions or personnel whenever, in his judgment, such action would result in increased administrative efficiency.

(12) Execute easements, CONSENT TO USE EASEMENTS, RIGHTS-OF-WAY, LICENSES AND SIMILAR DOCUMENTS on behalf of the town that are necessary for and of benefit to public improvements previously approved by the town council or necessary to allow utility services to town property.

(13) Ensure that all laws and ordinances of the town are duly enforced.

(14) Devote his full time to the discharge of official duties.

(15) Perform such other duties as may be required of him by the council not inconsistent with the laws of the state or the provisions of this Code and ordinances of the town.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 2 Manager is hereby amended by amending Section 2-61 Authority to Settle Claims to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-61. - Authority to settle claims.

(a) The manager is authorized to negotiate and settle on behalf of the town claims and disputes brought against the town, its officers, appointees and employees, subject to the following conditions:

(1) The manager has investigated questions of liability and damages raised by the claim and has determined a reasonable dollar value of the claim.

(2) The claim and any proposed settlement has been reviewed and ~~approved~~ RECOMMENDED by the town attorney AND THE RISK MANAGER.

(3) The settlement is conditioned upon an appropriate written release by the claimant IN A FORM APPROVED BY THE TOWN ATTORNEY.

(b) The settlement authority of the manager is limited as follows:

(1) For claims against the town which are covered by the town's insurance, the manager is authorized to pay any deductible or self-insured retention assessed by the insurance carrier, contingent upon the review and approval of the town attorney;

(2) For claims presented to the town or disputes involving the town, the town manager shall have authority to settle such claims and disputes

for an amount not to exceed $25,000.00. Such settlements shall be reviewed and approved by the town engineer (for easement and property acquisitions and condemnation actions initiated by the town only) and the town attorney.

(c) IN LIGHT OF CONFIDENTIALITY REQUIRMENTS RELATED TO TRANSACTION PRIVILEGE TAX MATTERS, THE LIMITATION SET FORTH IN PARAGRAPH (b)(2) ABOVE SHALL NOT APPLY TO SETTLEMENTS OF TRANSACTION PRIVILEGE TAX DISPUTES AND APPEALS AND THE MANAGER HAS AUTHORITY TO APPROVE SETTLEMENT OF SUCH DISPUTES AND APPEALS IN ANY AMOUNT HE DEEMS REASONABLE IN THE CIRCUMSTANCES UPON THE RECOMMENDATION OF THE FINANCE AND MANAGEMENT SERVICES DIRECTOR AND THE TOWN ATTORNEY. NO SETTLEMENT IN EXCESS OF $100,000 SHALL BE APPROVED BY THE TOWN MANAGER WITHOUT A WRITTEN WAIVER OF CONFIDENTIALITY BY THE TAXPAYER AUTHORIZING RELEASE OF THE SETTLEMENT AMOUNT TO THE COUNCIL.

(~~e~~d) Settlement of all other claims which cannot be resolved within the parameters set forth above shall be submitted to the council for review and approval or denial.

(~~d~~e) EXCEPT FOR SETTLEMENTS APPROVED PURSUANT TO PARAGRAPH (c) OF THIS SECTION, ~~The~~ THE manager shall submit to the council, a quarterly report of all claims settled by the town manager.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 3 Clerk by amending Section 2-83 Specific Duties to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-83. - Specific duties.

The duties of the clerk *s*hall be as follows:

(1) *Signatures.* The clerk shall seal and attest all licenses, permits and such other documents as shall require the formality.

(2) *Treasurer.* The clerk shall delegate the duties of treasurer of the town to the finance AND MANAGEMENT SERVICES director, who shall have the care, control and custody of the money of the town.

(3) *Agendas.* The clerk shall prepare the agenda of council meetings.

(4) *Elections.* The clerk shall be in charge of and responsible for the conduct of all town elections.

(5) *Records management.* The clerk shall be the custodian of all town records, as follows:

a. *Documents not assigned to other officers.* The clerk shall be custodian of all documents belonging to the town which are not assigned to the custody of some other officer. THE CLERK MAY DELEGATE TO THE DIRECTOR OF A DEPARTMENT OR OFFICE THE DUTIES OF CUSTODIAN OF RECORDS FOR THAT DEPARTMENT OR OFFICE AS APPROPRIATE.

b. *Maintenance of indices.* The clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

c. *Maintenance of official documents and records.* The clerk shall ~~maintain~~ OVERSEE THE MAINTENANCE OF all official documents and records of the town.

(6) *Additional duties.* In addition to the duties provided in this section, the clerk shall perform such other duties and functions as may be required by statute or ordinance.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, is hereby amended by adding new Division 4 Town Attorney to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

DIVISION 4 TOWN ATTORNEY.

SEC. 2-90 CREATION OF OFFICE; APPOINTMENT; DUTY AND RESPONSIBILITY GENERALLY.

THE OFFICE OF THE TOWN ATTORNEY IS CREATED AND ESTABLISHED. THE TOWN ATTORNEY SHALL BE APPOINTED BY AND SHALL SERVE AT THE PLEASURE OF THE COUNCIL. IT SHALL BE THE DUTY OF THE TOWN ATTORNEY TO ATTEND ALL MEETINGS OF THE COUNCIL; PREPARE OR REVIEW ALL ORDINANCES, CONTRACTS AND SIMILAR DOCUMENTS FOR CONSIDERATION BY THE COUNCIL; PROVIDE LEGAL ADVICE TO THE COUNCIL AND ALL OFFICERS, DEPARTMENTS, AND EMPLOYEES IN MATTERS RELATING TO THEIR OFFICIAL POWERS AND DUTIES; RETAIN SPECIAL COUNSEL WITH THE CONCURRENCE OF THE TOWN MANAGER; AND COLLABORATE WITH OTHER ATTORNEYS ENGAGED BY THE COUNCIL TO MANAGE LITIGATION OR ASSIST THE TOWN ATTORNEY THEREIN.

Division 4 Indemnification is renumbered as Division 5

The Code of Gilbert, Arizona, Chapter 2 Administration, Article III Departments is hereby amended by repealing Division 1 Generally, Division 2 Personnel Department, Division 3 Finance Department, Division 4 Public Works Department, Division 5 Planning and Zoning Department, Division 6 Building and Code Compliance Department, Division 7 Library Department, Division 8 Parks and Recreation Department, Division 9 Fire Department, Division 10 Police Department, Division 11 Information Services Department and Division 12 Legal Services Department.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article III Departments is hereby amended by adopting new Division 1 Generally to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

DIVISION 1. GENERALLY.

SEC. 2-131. ESTABLISHMENT.

THE FOLLOWING DEPARTMENTS ARE ESTABLISHED AS DEPARTMENTS OF THE TOWN:

(a) FINANCE AND MANAGEMENT SERVICES DEPARTMENT;

(b) PUBLIC WORKS DEPARTMENT;

(c) DEVELOPMENT SERVICES DEPARTMENT;

(d) PARKS AND RECREATION DEPARTMENT;

(e) POLICE DEPARTMENT;

(f) FIRE AND RESCUE SERVICES DEPARTMENT;

(g) TOWN PROSECUTOR DEPARTMENT.

SEC. 2-132. ADMINISTRATION.

(a) *APPOINTMENT OF DIRECTORS.* EACH DEPARTMENT SHALL BE ADMINISTERED BY A DIRECTOR APPOINTED BY AND SUBJECT TO THE DIRECTION AND SUPERVISION OF THE TOWN MANAGER.

(b) *ORGANIZATION.* DEPARTMENT DIRECTORS MAY ESTABLISH DIVISIONS WITHIN THEIR DEPARTMENTS, CONSISTENT WITH THE ANNUAL BUDGET ADOPTED BY THE COUNCIL

2-133 DUTIES OF DEPARTMENTS

(a) THE MANAGER SHALL, BY DIRECTIVE TO EACH DEPARTMENT DIRECTOR, DESIGNATE THE DUTIES AND RESPONSIBILITIES OF EACH DEPARTMENT.

(b) IN ADDITION TO THE MANAGER'S DIRECTIVES SET FORTH IN (a) ABOVE, THE FOLLOWING SPECIFIC DELEGATIONS OF AUTHORITY ARE HEREBY MADE, TO BE EXERCISED THROUGH THE DIRECTOR OF SUCH DEPARTMENTS:

(1) THE FINANCE AND MANAGEMENT SERVICES DEPARTMENT IS AUTHORIZED TO PAY LAWFUL BILLS IN ACCORDANCE WITH APPROPRIATIONS OF THE COUNCIL;

(2) THE FINANCE AND MANAGEMENT SERVICES DEPARTMENT IS AUTHORIZED TO ADMINISTER THE

TOWN'S TAX COMPLIANCE PROGRAM IN ACCORDANCE WITH CHAPTER 58 OF THIS CODE;

(3) THE DEVELOPMENT SERVICES DEPARTMENT IS AUTHORIZED TO ENFORCE THE PROVISIONS OF TOWN CODES AND ORDINANCES;

(4) THE DEVELOPMENT SERVICES DEPARTMENT IS AUTHORIZED TO ACCEPT ON BEHALF OF THE TOWN DEDICATIONS OF PROPERTY AND EASEMENTS THAT ARE REQUIRED TO BE DEDICATED PURSUANT TO THE LAND DEVELOPMENT CODE OR A CAPITAL IMPROVEMENTS PROJECT PREVIOUSLY APPROVED BY THE COUNCIL.

(5) THE DEVELOPMENT SERVICES DEPARTMENT MAY PURCHASE EASEMENTS AND REAL PROPERTY WITH A PURCHASE PRICE OF LESS THAN $10,000.00 IF THE PURCHASE PRICE IS SUPPORTED BY EVIDENCE OF SIMILAR PRICES FOR SIMILAR PROPERTY OR EASEMENTS.

(6) THE POLICE DEPARTMENT IS AUTHORIZED TO ENFORCE THE PROVISIONS OF STATE AND LOCAL LAWS;

(7) THE FIRE AND RESCUE SERVICES DEPARTMENT IS AUTHORIZED TO DESIGNATE MEMBERS OF THE DEPARTMENT TO SERVE AS ARSON INVESTIGATORS FOR THE TOWN PURSUANT TO ARIZONA REVISED STATUTES SECTION 41-1822;.

(8) THE TOWN PROSECUTOR DEPARTMENT IS AUTHORIZED TO PROSECUTE ALL CRIMINAL CASES ARISING FROM VIOLATIONS OF THIS CODE AND STATE LAW OVER WHICH THE MUNICIPAL COURT HAS JURISDICTION AND THOSE CIVIL CASES IN WHICH THE STATE ELECTS TO FILE A NOTICE OF APPEARANCE.

SECS. 2-134—2-235. Reserved.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article IV Procurement, Division 2 Purchasing is hereby amended by amending Section 2-356 Definitions to delete the definition of "purchase amount" as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

> ~~*Purchase amount:* The amount anticipated to be spent during a fiscal year on a same or materially similar item from one vendor.~~

The Code of Gilbert, Arizona, Chapter 2 Administration, Article IV Procurement, Division 2 Purchasing is hereby amended by amending Section 2-356 Definitions to add a new definition of "Concessionaire Agreement to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

> *CONCESSIONAIRE AGREEMENT:* AN AGREEMENT WHEREBY THE TOWN GRANTS THE RIGHT TO PROVIDE A SERVICE OR SELL PRODUCTS ON TOWN PROPERTY IN RETURN FOR COMPENSATION.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article IV Procurement, Division 2 Purchasing is hereby amended by amending Section 2-357 Applicability, Subsection (a) to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-357. - Applicability.

(a) *Generally.* This division applies to all expenditures of public funds regardless of source or whether the purchase was made directly or indirectly by the town, including purchases using state and federal assistance monies, except that nothing in this division shall prevent the town from complying with terms and conditions of any grant, gift, bequest, or applicable regulatory guideline. THIS DIVISION ALSO APPLIES TO CONCESSIONAIRE AGREEMENTS ENTERED INTO PURSUANT TO SECTION 2-365.

* * *

The Code of Gilbert, Arizona, Chapter 2 Administration, Article IV Procurement, Division 2 Purchasing is hereby amended by adding new Section 2-365 Concessionaire Agreements to read as follows and to renumber existing Sections 2-36 5 and 2-366 (additions in ALL CAPS; deletions in ~~strikeout~~):

SEC. 2-365 – CONCESSIONAIRE AGREEMENTS.

A. CONCESSIONAIRE AGREEMENTS WHERE THE ESTIMATED ANNUAL REVENUE TO THE TOWN WILL NOT EXCEED $50,000 MAY

BE APPROVED BY THE PURCHASING OFFICER WITHOUT AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS. NOTHING IN THIS SECTION SHALL PRECLUDE THE PURCHASING OFFICER FROM SOLICITING BIDS OR PROPOSALS IF HE DEEMS IT TO BE IN THE BEST INTEREST OF THE TOWN TO DO SO.

B. ALL OTHER CONCESSIONAIRE AGREEMENTS SHALL BE MADE PURSUANT TO AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS AND REQUIRE APPROVAL OF THE COUNCIL. THE COUNCIL MAY WAIVE THE REQUIREMENT TO OBTAIN BIDS OR PROPOSALS.

Existing Sections 2-365 Protests and 2-366 Fingerprinting of Prospective Contractors and Empoyees of Contractors are renumbered as Sections 2-366 and 2-367 respectively.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article V Disposal of Lost, Unclaimed and Contested Property, Sections 2-393 Notice of Disposition, 2-394 Service and Publication of Disposition,2-395 Award of Lost Property to Finder, 2-396 Disposal of Unclaimed Property and 2-398 Disposal and DESTRUCTION of Firearms are hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 2-393. - Notice of disposition.

Within 30 days after receiving possession of unclaimed money or personal property, INCLUDING UNCLAIMED MONEY OR PROPERTY USED AS EVIDENCE OR SEIZED BY POLICE AFTER FINAL DISPOSITION OF THE CAUSE, the police department shall serve a notice of disposition containing the following information:

(1) A brief description of the property. The name and address of the owner or finder of the money or property, if known.

(2) A statement that the owner or finder must claim and take possession of the money or property no later than 30 days following the date of the notice, or else the police department may destroy, donate to charity, or sell the property at a public auction.

(3) A RECORD OF ALL TRANSACTIONS SHALL BE MAINTAINED FOR AT LEAST TWENTY-FOUR (24) MONTHS.

Sec. 2-394. - Service and publication of notice of disposition.

(a) Notice of disposition shall be sent by mail to the last known address of any owner or finder. Service shall be complete upon mailing. If the name and address of the owner or finder are not known, notice shall be served by publishing the notice of disposition in a newspaper published in the town, and by display of said notice on the public bulletin of the town at ~~1025 South Gilbert Road~~ 50 EAST CIVIC CENTER DRIVE.

(b) If the property is valued at ~~$25.00~~ $150.00 or more, the notice shall be sent by certified mail, otherwise, the notice may be sent by regular mail.

Sec. 2-395. - Award of lost property to finder.

(a) Lost money or property will be awarded to the finder where:

(1) The owner has failed to claim and obtain possession of the money or property, and at least ~~90~~ 30 days have expired since the date the notice of disposition was served; and

(2) The finder claims and obtains possession within the reasonable time required by the town; and

(3) The money or property is not contraband; and

~~(4) For money or property valued at more than $25.00, the town files a petition with the superior court describing the property; the date, location and circumstances under which the money or property was originally found and delivered to the town, and reasonable efforts made to locate and notify the owner. The court may order escheatment to the finder when all the conditions of this section are met.~~

(b) The finder's claim to ownership of lost money or property is inferior to the true owner's claim. Upon delivery of property to the finder, the town shall have no further interest in or obligations with respect to the property. The town shall, however, provide the name and address of the finder and the location of the property, if known, to any person making a satisfactory claim and proof of ownership subsequent to the delivery of the property to the finder.

(c) No town employee may be awarded any lost money or property discovered while engaged in his duties of office or employment for the town.

Sec. 2-396. - Disposal of unclaimed property.

Money or property remaining unclaimed in the possession of the town after notice of disposition has been served and expiration of the claims period may be disposed of as follows:

(1) Money or property determined by the department to have a value of $150.00 or less may be may be donated to a nonprofit charity, destroyed, or kept by the town for its use OR DEPOSITED INTO THE TOWN'S GENERAL FUND.

(2) When at least 30 days have passed since the notice of disposition has been served AND PUBLISHED, the town shall ~~file a petition with the superior court for disposal of any money or property valued at more than $25.00, describing the money or property, location and circumstances under which it was originally found, and reasonable efforts made to locate and notify the owner. The town may request in its petition that unclaimed money be~~ deposit~~ed~~ UNCLAIMED MONEY WITH A VALUE OF MORE THAN $150.00 in the general fund of the town, SELL ~~that~~ unclaimed property ~~be sold~~ at public auction as surplus property, OR ~~that~~ RETAIN useful items ~~be retained~~ for town use. ~~or that illegal or non-useful items be destroyed. Upon satisfaction of such conditions, the court shall order escheatment and may order disposition as requested by the town.~~

Sec. 2-398. - Disposal and destruction of firearms, liquor, perishables.

(a) Legal firearms, weapons, ammunitions, explosives and hazardous materials shall be disposed of pursuant to the general procedures set forth herein, except that the town shall not sell any of such items at a public auction. IN ACCORDANCE WITH COURT ORDER, THE TOWN SHALL SELL FIREARMS THAT ARE NOT PROHIBITIED FROM BEING SOLD BY STATE AND FEDERAL LAW TO ANY BUSINESS AUTHORIZED TO RECEIVE AND DISPOSE OF SUCH FIREARMS UNDER STATE AND FEDERAL LAW. ALTERNATIVELY, THE GILBERT POLICE DEPARTMENT MAY TRADE UNCLAIMED LEGAL FIREARMS TO A FEDERAL FIREARMS LICENSED BUSINESS FOR AMMUNITION, WEAPONS, EQUIPMENT OR OTHER MATERIALS TO BE USED EXCLUSIVELY FOR LAW ENFORCEMENT PURPOSES.

(b) Illegal firearms, weapons, ammunitions, explosives and hazardous materials shall be destroyed.

(c) Confiscated liquors not used as evidence, not claimed by the rightful owner, or not converted for police training purposes, shall be destroyed. (d) Perishable items not claimed by the owner may be destroyed after 24 hours after the town has obtained possession thereof.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 2ND day of MAY, 2013, by the following vote:

AYES: COOK, COOPER, DANIELS, LEWIS, RAY

NAYES: PETERSEN, TAYLOR ABSENT: NONE

EXCUSED: NONE ABSTAINED: NONE

APPROVED this 2ND day of MAY, 2013.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2426 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 2ND DAY OF MAY, 2013, WAS POSTED IN ~~THREE~~ FOUR PLACES ON THE 8TH DAY OF MAY, 2013.

Catherine A. Templeton, Town Clerk