

	<b>Ben Lomond Fire Protection District</b>	<b>Policy # 1100</b>  <b>Date 6/13/12</b>
	<b>SOP GENERAL INFORMATON</b>	<b>TITLE: Unclaimed Warrants</b>  <b>Revision date 6/12</b>

**SCOPE** The unclaimed warrant policy is established to provide the proper mechanism to take possession of long standing unclaimed warrants in accordance with government statutes and to ensure the propriety of the related accounting transactions.

### **BACKGROUND AND LEGAL AUTHORITY**

The California Government Code establishes a process for reconciling unclaimed warrants. The following is a summary of those sections that apply; all references are to the California Government Code:

- A. Section 50050 states that "Local Agencies" as used within the statute includes all Districts.
- B. Section 50056 states that the Treasurer may delegate the responsibilities to the department that maintains the supporting records of the unclaimed warrants based on the initial receipt or deposit of that money or both.
- C. Section 50055 allows that any individual items of less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, which remain unclaimed for the period of one year may be transferred to the general fund by the Board of Directors without public notification in a newspaper.
- D. Sections 50050 and Sec 50051 provide that money that is not the property of the District, excluding restitution to victims, that remains unclaimed for three (3) years, becomes the property of the District forty-five (45) days after the initial public notice if not previously claimed or if no verified complaint is filed and served.
- E. Section 50050 provides that at any time after the expiration of the three (3) year period, the Treasurer or designee may cause a notice to be published once a week for two (2) successive weeks in a newspaper of general circulation published in the jurisdiction.
- F. Section 50052.5 provides that the Treasurer or designee may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money, if claimed prior to the date the money becomes the property of the local agency, upon submitting proof satisfactory to the Treasurer or designee.

G. Section 50053 provides that when the unclaimed funds become the property of the local agency, and are in a special fund, the governing body may transfer them, by resolution, to the general fund.

H. Section 50057 provides that for individual items in the amount of one thousand dollars (\$1,000) or less, the governing body may, by resolution, authorize the Treasurer or designee to perform on its behalf any act required or authorized to be performed by it under Sections 50050, 50053, and 50055.

## **POLICY**

### **General**

- A. The responsibilities of the Treasurer have been delegated by the Santa Cruz County Treasurer, as the Treasurer for the Ben Lomond Fire Protection District, pursuant to his authority under California Government Code Section 50056, to the Ben Lomond Fire Protection District.
- B. The Board of Directors passed a resolution authorizing the Fire Chief to perform on its behalf certain acts for unclaimed warrants. (Resolution 2012-05)
- C. Annually, all outstanding warrants shall be reviewed by Fire Chief to determine which, if any, may become District property.
- D. For individual warrants less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, and which remain unclaimed for a period of one year, the warrants shall be transferred to the general fund without publication in a local newspaper and without additional Board approval.
- E. In situations where the depositor's name is unknown and the dollar value associated is significant, the staff will research the warrant via available means and contact the bank to attempt to determine the depositor's name.
- F. For individual warrants fifteen dollars (\$15) or greater, with an issue date older than three (3) years, a review will be performed annually. At a minimum, at least every third year, public notification and disbursement or transfer of funds will be completed. Warrants of \$1,000 or less do not need individual Board approval to be transferred to the General Fund.
- G. Individual warrants greater than one thousand dollars (\$1,000) can only be transferred to the general fund upon approval of the Board of Directors. The list will be provided to the Board with a resolution authorizing escheatment of the funds.

### **Public Notification**

- A. The warrants with an issue date older than three (3) years will become part of a notice to be published once a week for two (2) successive weeks in a local newspaper. This notice shall include the following information:
- a) the individual, or business name as shown on the issued warrant
  - b) the amount of money reflected on the issued warrant
  - c) the fund in which the warrant is held, i.e. general, trust, etc.
  - d) a statement announcing that the money shall become the property of  
the Ben Lomond Fire Protection District on a date that is not less than forty-five (45) days after the first publication of the notice

Note: A copy of the approved notice format is found as Exhibit 1 of this policy.

- B. A proof of publication from the newspaper is to be retained pursuant to the District's record retention policy for financial records as verification that the notice was placed in the publication and that it ran for two (2) consecutive weeks.
- C. The expense for publishing the notice in the newspaper shall be abated when the funds are transferred to the general fund.
- D. The warrants that are included in the public notice shall also be published on the District's website for forty-five (45) days after the initial publication in the newspaper.

### **Disbursement and Funds Transfer**

- A. The District may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, the unclaimed money if:
- 1. A claim is filed prior to the date the money becomes the property of the District.
  - 2. Proof substantiating the claim is conveyed in writing, including the following as specified in Exhibit 2.
    - a) claimant's name
    - b) warrant number