

**CITY OF FRESNO
FINANCE DEPARTMENT
TREASURY SECTION**

**POLICY AND PROCEDURES FOR CLAIMING UNCLAIMED MONEY IN THE CITY OF FRESNO
TREASURY**

PURPOSE

These instructions set forth the policies and procedures for addressing money in the City's treasury which does not belong to the City and has remained unclaimed for a period of three years. Such money includes, but is not limited to, uncashed or outstanding stale-dated checks issued by the City, contractor performance bond deposits, and deposits from respondents to City Requests for Proposals.

Pursuant to California Government Code Sections 50050 through 50053 and 50055 and this Policy, upon the giving of proper notice, money in the City's treasury which does not belong to the City and has remained unclaimed by its owner for a period of three years shall become City property and be transferred to the City's General Fund, unless otherwise specified by law or regulation.

POLICY

It is the Policy of the City of Fresno to treat funds in the City's treasury which do not belong to the City and have remained unclaimed for a period of three years as "Unclaimed Funds." The Controller is authorized to establish procedures, from time to time, consistent with the California Government Code, for claiming Unclaimed Funds for the City's General Fund or a different fund if specified by law or regulation.

PROCEDURES

Annual List of Unclaimed Funds:

On an annual basis, the Controller shall prepare a list of Unclaimed Funds – funds which do not belong to the City and have remained unclaimed for a period of three years. The list shall include (1) uncashed or outstanding stale-dated checks issued by the City, (2) unclaimed deposits made to the City, and (3) any other moneys qualifying as Unclaimed Funds under this Policy.

In the case of uncashed checks, the list shall contain the name of each payee and the amount of the uncashed check. In the case of deposits, the list shall contain the name of each depositor and the date on which the deposit was made.

Informal Investigation

To the extent practical, the Controller shall investigate the list of Unclaimed Funds to determine why such funds remain unclaimed. The investigation may include, but shall not be limited to, consulting with relevant City Departments, depositors, and individual payees. Efforts shall be made to contact prospective claimants by means appropriate for each particular circumstance, including via regular mail, e-mail and/or telephone. Particular attention shall be directed toward contacting current employees who may have Unclaimed Funds in the City treasury.

If contact is made with a prospective claimant, the claimant shall be asked to provide proof of ownership with supporting documentation. Appropriate supporting documentation may include the Finance Department's Lost Check Affidavit Form, government issued documents establishing proof of identity, receipts, correspondence, contract proposals, or any other evidence as required by the Controller to reasonably establish the claimant's rights in the Unclaimed Funds.

Notice of Unclaimed Funds by Publication

The Controller shall publish the list of Unclaimed Funds in a newspaper of general circulation within the City of Fresno once per week for two successive weeks. The published notice shall state the amount of each check and the City accounting Fund in which it is held, as well as the amount of each deposit and its corresponding Fund, and shall state that the money shall become the property of the City of Fresno on a designated date. This date shall not be less than forty-five days nor more than sixty days after the date of the first publication of the notice.

In accordance with California Government Code Section 50055, checks that are for an amount of less than \$15.00 or deposits that are for an amount of less than \$15.00 for which the owner's name is unknown, and which remain unclaimed for over one year, need not be included in the notice. Such funds may be transferred directly to the General Fund (or another City fund if specified by law or regulation) upon City Council approval.

Reclamation of Unclaimed Funds

Any prospective claimant (either payee or depositor) may file a claim with the Controller prior to the date (noted in the published notice) on which the Unclaimed Funds are to become City property. The claimant shall submit supporting documentation that the Controller may use to verify the claimant's rights of ownership in the Unclaimed Funds. Supporting documents may include the Finance Department's Lost Check Affidavit Form, government issued documents establishing proof of identity, receipts, correspondence, contract proposals, or any other evidence as required by the Controller to reasonably establish the claimant's rights in the Unclaimed Funds.

The Controller may accept or reject the claim. If the Controller rejects the claim, the claimant may file a complaint seeking to recover all or a designated part of the funds in a court of competent jurisdiction within Fresno County. A copy of the complaint and summons must be served within 30 days of receiving notice that the claim was rejected.

All funds listed in the notice for which there was no claim from the payee or depositor shall become the property of the City of Fresno on the date stated in the notice. Subsequent to this date, the Controller shall bring a Resolution before the City Council to transfer this property to the General Fund or another City fund if specified under law or regulation.

If a claimant does not bring a timely claim for Unclaimed Funds, and the funds are transferred to the City's General Fund or another City fund if specified under law or regulation, the claimant may yet submit a claim for this property, but must bring it directly to the City Council for approval.