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April 25, 2022

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

UNCLAIMED PROPERTY POLICY – TWSD RESOLUTION 2022-009

Summary

The District is in possession of long standing unclaimed checks going back to 2017 including unclaimed checks that are less than fifteen dollars (\$15) for over a year. Government Code Sections 50050 through 50057 provide the authority for this Policy to take possession of these unclaimed checks.

Discussion

To minimize the number of unclaimed checks and the continued efforts to send letters and reissue refund checks, staff is requesting the Board adopt the Unclaimed Property Policy. Under the Policy, the Board by resolution can take possession of unclaimed monies less than \$15 after one year without public notice. For unclaimed monies over \$15, the District will publish a notice once a week for two successive weeks in a newspaper of general circulation. The Board by resolution can take possession of the unclaimed monies over \$15 after forty-five days (45) nor more than sixty (60) days of the first publication of the notice.

Fiscal Impact

The dollar amount will vary from year-to-year depending on the amount of unclaimed checks. Staff will present findings to your Board on an annual basis for approval.

Recommendation:

It is recommended the Board Adopt Resolution No. TWSD 2022-009, Unclaimed Property Policy as authorized by Government Code Sections 50050 through 50057.


VICKIE DRAGAN - DIRECTOR OF FINANCE

REVIEWED AND APPROVED: _____


Mark Norris - General Manager

Attachments: TWSD Resolution No. TWSD 2022-009, Unclaimed Property Policy

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TRIUNFO WATER & SANITATION DISTRICT

RESOLUTION NO. TWSD 2022-009

A RESOLUTION OF THE BOARD OF DIRECTORS OF TRIUNFO WATER & SANITATION DISTRICT ADOPTING A POLICY FOR UNCLAIMED PROPERTY

WHEREAS, the District is in possession of outstanding checks despite the efforts made by District staff to make contact with the payees and reissue the checks; and

WHEREAS, the State of California Government Code, Section 50050 et. seq., establishes the guidelines for a local agency to follow in order to transfer unclaimed property held by the local agency, to the local agency General Fund; and

WHEREAS the State of California Government Code, Section 50050-50057 provide procedures for transferring unclaimed property to the local agency if over one (1) year old and less than \$15.00 or over three (3) years and more than \$15.00 following publication in a newspaper of general circulation published in the local agency.

WHEREAS, the Board of Directors of the Triunfo Water & Sanitation District now wishes to establish a policy and related procedures for reporting unclaimed property held by the District, which have been unclaimed for one (1) year or more years, for identifying which of such property can be transferred to the District, and for transferring such unclaimed property to the fund upon which the money was originally drawn or was deposited into.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF TRIUNFO WATER & SANITATION DISTRICT DOES HEREBY FIND AND RESOLVE the terms of the Triunfo Water & Sanitation District Unclaimed Property Policy attached hereto as Exhibit A, are hereby incorporated by reference and shall constitute the Triunfo Water & Sanitation District Unclaimed Property Policy.

PASSED AND ADOPTED by the Board of Directors of Triunfo Water & Sanitation District, the 25th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Fidela Garcia, Clerk of the Board

APPROVED AS TO FORM:

John Mathews, District Counsel



UNCLAIMED PROPERTY POLICY

PURPOSE:

To establish the proper mechanism to take possession of long standing unclaimed checks in accordance with government statutes and to ensure the appropriateness of the related accounting transactions. Government Code Sections 50050 through 50057 provide the authority for this policy. (Attachment 7)

POLICY:

1. Funds which are not the property of the Triunfo Water & Sanitation District (District) that remain unclaimed for a period of more than three (3) years will become the property of the District, if not claimed or if no verified complaint is filed and served, on or before the specific date stated in the public notice that is published in a newspaper of general circulation.
2. Any individual funds that are less than \$15.00 or any funds regardless of amount for which the depositor's name is not known shall be transferred upon the approval of the District Board to the fund of origin or if unknown, the Administration Fund of the District after one year and without the need to publish notice. (Gov. Code Sec. 50055)

PROCEDURES:

- A. To minimize the number of unclaimed checks, the payee will be notified in writing when a check remains unclaimed for at least six (6) months. A notification letter (Attachment 4) will be sent after six (6) months and then a certified letter once a year up to three (3) year period.
- B. Money that is not the property of the District that remains unclaimed for a period of more than three (3) years becomes the property of the District not less than forty-five (45) days nor more than sixty (60) days after an initial public notice is published. (Government Code Secs. 50050 and 50051)
- C. At any time after the expiration of the three (3) year period, the Director of Finance will cause a notice to be published once a week for two successive weeks in a

newspaper of general circulation published in the County of Ventura. (Gov. Code Secs. 50050 and 50051)

- D. The notice shall include the following information:
1. The individual or business name as shown on the issued check.
 2. The check date, number and the amount of money on the issued check.
 3. A statement announcing that the money shall become the property of the Triunfo Water & Sanitation District on a date that is not less than forty-five (45) days after the first publication of the notice. (Attachment 1) (Gov. Code Sec. 50051)
- E. A proof of publication from the newspaper is to be retained in accordance with the District's records retention policy as proof that the District published the required notice for two consecutive weeks.
- F. Upon or prior to publication, a party of interest may file a claim which must include the following information:
1. The claimant's name, address and telephone number.
 2. Social Security Number or Federal Employer Identification Number.
 3. Proof of identify such as a copy of a driver's license, social security card or birth certificate.
 4. The amount of the claim.
 5. The grounds on which the claim is founded. (Attachment 2) (Gov. Code Sec. 50052)
- F. The Director of Finance 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 District upon submitting proof satisfactory to the Director of Finance. (Gov. Code Sec. 50052.5)
- G. When the unclaimed funds become the property of the Triunfo Water & Sanitation District and are in a Special fund, the District Board may transfer them by resolution to

the funds which the money was originally drawn or was deposited into. (Gov. Code Sec. 50053)

H. The responsibilities of the Director of Finance may be delegated by the Director of Finance to the department that maintains the supporting records of the un-cleared checks based on the initial receipt or deposit of that money or both. (Gov. Code Sec. 50056)

I. Disbursement and Funds Transfer

1. Except as otherwise provided in this procedure, the Finance Department may release to the claimant of an unclaimed check, or its heir, beneficiary, or duly appointed representative, the amount of an unclaimed check if:
 - i. Claim is filed prior to the date the money becomes the property of the District.
 - ii. Proof substantiating the claim is conveyed in writing, including all items detailed in the item "F" of this policy.
 - iii. After proper documentation is secured, payment request is prepared to release money based upon approved Claim Form.
2. Upon rejection of said depositor's claim by the Finance Department (Attachment 3), the depositor may file a verified complaint seeking to recover all, or a designated part, of the money in a court within Ventura County. The Finance Department shall be served with a copy of the complaint and summons which must be served within thirty (30) days of receiving notice that the claim was rejected. The Finance Department shall withhold the release of the portion of unclaimed money for which a court action has been filed until a decision is rendered by the court.
3. Upon close of business on the forty-fifth (45) day after publication of the first notice, the unclaimed check amounts revert to the District. When the unclaimed checks become the property of the District and are in a special fund, the District Board may transfer them to the fund upon which the money was originally drawn or was deposited into. (Attachment 5)

4. Unclaimed checks of less than fifteen (15) dollars that are more than twelve (12) months old will be transferred to the fund upon which the money was originally drawn or was deposited into by the District Board. (Attachment 6)

J. Accounting Transactions

1. If an unclaimed check is claimed prior to the date designated in the Public Notice, the Accountant will verify the claimant's supporting information and if the claimant satisfies all conditions required under this procedure, the District will issue a new check for the claimed amount to the claimant.
2. Upon the close of business on the forty-fifth (45th) day after the initial notice is published, the remaining unclaimed checks with face amounts of fifteen (15) dollars or more will revert to the District. The amounts of such checks will be transferred to the funds upon which the money was originally drawn or was deposited into upon District Board approval. (Attachment 5)
3. As of March 31st, annually, all outstanding checks of less than fifteen (15) dollars from Accounts Payable and Payroll will be checked to determine those checks that have issue dates over twelve (12) months. These amounts will then be set into a resolution for the District Board to approve, transferring these amounts to the funds upon which the money was originally drawn or was deposited into.

Attachments:

1. Public Notice
2. Unclaimed Funds – Claim Form
3. Unclaimed Funds – Rejection of Claim Form
4. Notification Letter
5. Resolution to transfer unclaimed checks over fifteen dollars (\$15) each to the proper funds
6. Resolution to transfer unclaimed funds of checks less than fifteen dollars (\$15) each, or any amount, if the depositor's name is unknown to the proper funds
7. California Government Code Section 50050-50057

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT, the Finance Department of the Triunfo Water & Sanitation District (District), County of Ventura, State of California, declares that the following monetary sums have been held by the District and have remained unclaimed in the funds hereafter indicated for a period of over three (3) years and will become the property of the District on the xx the day of the Month, Year, a date not less than forty-five (45) days after the first publication of this Notice.

Any party of interest may, prior to the date designated herein above, file a claim with the District's Finance Department which includes the claimant's name, address and telephone number, Social Security Number or Federal Employer Identification Number, amount of claim, the grounds on which the claim is founded. The Unclaimed Money Claim Form can be obtained from the District's office at 1001 Partridge Drive, Suite 100, Ventura, CA. 93003, or from the District's website at www.trunfowsd.com/unclaimpropertyforms. Proof of identify such as a copy of a driver's license, social security card or birth certificate must be provided before funds will be released. With any questions, please contact the District, Finance Department at (800) 613-0901 or the general line (818) 889-8996.

This notice and its contents are in accordance with California Government Code Sections 50050-50056.

<u>Check Date</u>	<u>Check Number</u>	<u>Payee Name</u>	<u>Check Amount</u>
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Vickie Dragan

Director of Finance



UNCLAIMED PROPERTY – CLAIM FORM

Return completed form to:
Triunfo Water & Sanitation District
Finance Department
1001 Partridge Drive, Suite 100
Ventura, CA 93003

Pursuant to California Government Code Section 50052, I wish to file a claim for a previously unclaimed check in the amount of \$_____ that was published in the Ventura County Courier on_____. The grounds on which I file this claim are:

Vendor or Individual Name (Printed)

Taxpayer I.D. or Social Security No.

Vendor or Individual Name (Signature)

Telephone Number

Address

City/State/Zip Code

FOR FINANCE DEPARTMENT ONLY

Proof of Identity Verified (check one):

Driver's License

Social Security Card

Birth Certificate

Verified By:_____Date: _____

Claim: Approved Rejected Reason for Rejection: _____

Reviewed By: _____ Date: _____

Attachment 3



PROPERTY CLAIM REJECTION FORM

The Triunfo Water & Sanitation District has rejected the unclaimed property claim of:

Vendor or Individual Name: _____

Tax Payer I.D. or Social Security Number: _____

Address: _____

City/State/Zip Code: _____

Original Check Date: _____

Original Check Amount: _____

The grounds on which this claim has been rejected are:

Under California Government Code Section 50052, you have the right to file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within Ventura County. A copy of the complaint and the summons issued thereon must be served within thirty (30) days of receiving this notice of rejection. Upon being served, the Director of Finance will withhold the disputed amount from being released until a decision is rendered by the court.

Vickie Dragan
Director of Finance



Board of Directors

Leon Shapiro, Chair

Jane Nye, Vice Chair

Raymond Tjulander, Director

Janna Orkney, Director

James Wall, Director

Providing Outstanding Service Since 1963

Date
Payee Name»
Street Address
City

Dear Payee Name,

Our records indicate that the following check issued to you or your organization has not been cashed.

Check number: Check Number
Amount: \$Amount
Date issued: Issue Date

Under California Government Code Section 50050 et seq., unclaimed funds will become the property of the District three (3) years after the check was issued, or after twelve (12) months for checks less than \$15. It is likely that the check was lost or never received. Please check your bank records to verify that the check has never been cashed by you. If your record indicates that you have deposited the check, please mark X on number 1 below. If your record shows that you have never received the check, please make X on number 2 and we will issue a replacement check to you. Please sign and return the letter to my attention at the address below.

Please reply to this correspondence below and return to us, either via e-mail or mail.

- ____ 1. Yes, I have received and cashed the above-mentioned check.
- ____ 2. No, I have never received and cashed the above-mentioned check. Please issue a replacement check.

Signed: _____ Date _____

Sincerely,
Accounts Payable
Triunfo Water & Sanitation District
1001 Partridge Drive, Suite 100
Ventura, CA 93003

TRIUNFO WATER & SANITATION DISTRICT

RESOLUTION NO.

RESOLUTION TO TRANSFER UNCLAIMED PROPERTY FUNDS TO THE FUNDS OF ORIGIN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50053

WHEREAS, the attached list of checks has been outstanding and unclaimed in special funds for more than three years; and

WHEREAS, the District has provided public notice as required in California Government Code Sections 50050 and 50051 and the District's Unclaimed Check Policy,

NOW THEREFORE, BE IT RESOLVED, that in accordance with California Government Code Section 50053, the unclaimed checks on the attached list in the total amount of \$00.00 shall be transferred to the Fund of which the money was originally drawn or was deposited into.

PASSED AND ADOPTED by the Board of Directors of the Triunfo Water & Sanitation District at a meeting on _____ by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

, Chair

ATTEST:

, Clerk of the Board

TRIUNFO WATER & SANITATION DISTRICT

RESOLUTION NO.

RESOLUTION TO TRANSFER UNCLAIMED PROPERTY FUNDS TO THE FUNDS OF ORIGIN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50055

WHEREAS, the attached list of checks has been outstanding and unclaimed in special fund(s) for more than one year; and

WHEREAS, each of the checks listed on the attached summary is less than fifteen (15) dollars or any amount, if the depositor's name is unknown,

NOW THEREFORE, BE IT RESOLVED, that in accordance with California Government Code Section 50055, the unclaimed checks on the attached list in the total amount of \$00.00 shall be transferred to the fund of which the money was originally drawn or was deposited into.

PASSED AND ADOPTED by the Board of Directors of the Triunfo Water & Sanitation District at a meeting on _____ by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

, Chair

ATTEST:

, Clerk of the Board

GOVERNMENT CODE – GOV [50050 - 50057]**50050.**

(a) For purposes of this article, “local agency” includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. If a local agency elects to use the money for purposes of victim services, the local agency shall first document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed. With respect to moneys deposited with the county treasurer pursuant to Section 7663 of the Probate Code, this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date their disability ceases.

(b) For purposes of this section, “infant” and “person of unsound mind” have the same meaning as given to those terms as used in Section 1441 of the Code of Civil Procedure.

50051.

The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the local agency on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.

50052.

Upon or prior to publication, a party of interest may file a claim with the treasurer which must include the claimant’s name, address, amount of claim, the grounds on which the claim is founded, and any other information that may be required by the treasurer. The claim shall be filed before the date the unclaimed money becomes the property of the local agency as provided under Section 50051 and the treasurer shall accept or reject that claim. If the claim is rejected by the treasurer, the party who submitted the claim may file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the treasurer. The copy of the complaint and summons shall be served within 30 days of receiving notice that the claim was rejected. The treasurer shall withhold the release of the portion of unclaimed money for which a court action has been filed as provided in this section until a decision is rendered by the court.

50052.5.

(a) Notwithstanding Section 50052, the treasurer 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, unless the unclaimed money is deposited pursuant to Section 7663 of the Probate Code.

(b) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate Code, to any adult blood relative of either the decedent or the decedent's predeceased spouse.

(c) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate Code to the parent who has legal and physical custody of a minor who is a blood relative of either the decedent or the decedent's predeceased spouse without the need to appoint a legal guardian for the minor as follows:

(1) If the value of the unclaimed money deposited with the county treasurer is five thousand dollars (\$5,000) or less, the treasurer may release the money according to Section 3401 of the Probate Code.

(2) If the value of the unclaimed money deposited with the county treasurer is sixty thousand dollars (\$60,000) or less, and the money is not released under paragraph (1), the unclaimed money may be released by the treasurer to the parent who shall, after payment of any costs incurred in making the claim, hold the money in trust, to be used only for the care, maintenance, and education of the minor, and the parent shall be liable therefor to the minor under the fiduciary laws of this state. The money held in trust shall be released to the minor when the minor reaches the age of majority.

(d) The claim shall be presented to the county treasurer in affidavit form and signed under penalty of perjury. Notwithstanding Section 13101 of the Probate Code, the claimant, to be entitled to the entire escheated estate, needs only to establish with documentary proof the existence of a blood relationship to either the decedent or of the predeceased spouse, if any, and the documentary proof, if regular on its face, need not be certified. Notwithstanding Section 13101 of the Probate Code, the claimant shall not be required to declare that no other person has an equal or superior claim to the escheated estate.

The county treasurer may rely in good faith on the sworn statements made in the claim and shall have no duty to inquire into the truth or credibility of evidence submitted. In paying out the escheated estate, the county treasurer shall be held harmless to all. Payment shall act as total acquittance and shall completely discharge the county treasurer from any liability.

If the county treasurer rejects any claim made hereunder, the claimant may take his or her grievance to the Superior Court of the county holding the escheated estate.

Any claim paid hereunder shall be paid without interest.

50053.

When any such money becomes the property of a local agency and is in a special fund, the legislative body may transfer it to the general fund.

50054.

Whenever any city or county or city and county renders construction services or constructs public works for any city, county, city and county or any other governmental agency below the level of the state government, the price charged for such services or construction shall be sufficient to reimburse the governmental body performing such services for the full cost thereof including labor, material, equipment costs or rentals and a reasonable allowance for overhead. In computing overhead, without limitation on other factors properly includable, there shall be allocated to the overhead cost its proportionate share of indirect labor and administrative costs.

50055.

Any other provision of this article notwithstanding, any individual items of less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, which remain unclaimed in the treasury or in the official custody of an officer of a local agency for the period of one year or upon an order of the court may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper.

50056.

The responsibilities of the treasurer as provided under this article may be delegated by the treasurer to the agency, district, or department that maintains the supporting records of the unclaimed money based on the initial receipt or deposit of that money or both.

50057.

For individual items in the amount of five thousand dollars (\$5,000) or less, the legislative body of any county may, by resolution, authorize the county treasurer to perform on its behalf any act required or authorized to be performed by it under Sections 50050, 50053, and 50055. The resolution shall require that the county auditor be informed of each act performed under the authorization.

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