

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Auditor - Controller - Treasurer - Tax Collector	(2) MEETING DATE 11/17/2015	(3) CONTACT/PHONE Justin Cooley, (805) 781-5852 Gordon Eiland, (805) 781-5848	
(4) SUBJECT Submittal of a resolution delegating authority to the County Auditor-Controller-Treasurer-Tax Collector (ACTTC) to perform certain duties on the Board's behalf in connection with the process of escheating unclaimed monies as authorized by California Government Code Section 50057. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution authorizing the County Auditor-Controller-Treasurer-Tax Collector (ACTTC) to perform certain duties on the Board's behalf in connection with the process of escheating unclaimed monies as authorized by California Government Code Section 50057.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>6/26/2007</u>	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors
FROM: James P. Erb, County Auditor - Controller - Treasurer - Tax Collector
DATE: November 17, 2015
SUBJECT: Submittal of a resolution delegating authority to the County Auditor-Controller-Treasurer-Tax Collector (ACTTC) to perform certain duties on the Board's behalf in connection with the process of escheating unclaimed monies as authorized by California Government Code Section 50057. All Districts.

RECOMMENDATION

It is recommended that the Board adopt the resolution authorizing the County Auditor-Controller-Treasurer-Tax Collector (ACTTC) to perform certain duties on the Board's behalf in connection with the process of escheating unclaimed monies as authorized by California Government Code Section 50057.

DISCUSSION

From time to time, Treasury staff identifies unclaimed monies that have been left in the County Treasury or which are in the official custody of a County officer. Unclaimed monies may occur for a variety of reasons, including but not limited to unclaimed property tax refunds or uncashed/stale-dated County warrants.

Escheatment is the process of transferring ownership of unclaimed property to the government after a designated time period has passed and the government has performed all required actions that are a prerequisite before the property may be transferred to the government. In California, Government Code Section 50050 et seq. provide for the process of escheatment of unclaimed monies that are held in a local agency's treasury for a period of three years. (All further statutory references are to the Government Code, unless otherwise noted.)

The Treasurer-Tax Collector is designated in Section 50050 et seq. as the official responsible for escheating unclaimed money left in the County Treasury or held in the possession of another County official. The governing statutory provisions provide that at any time after the expiration of the three-year period, the County Treasurer may publish once a week for two consecutive weeks in a local newspaper of general circulation the items that are to be escheated. If a valid claim from a party of interest is not received within a designated time period, the County Treasurer may then request authorization from the Board to transfer the unclaimed monies, which are held in a special fund, to the County General Fund pursuant to California Government Code Section 50053.

In June 2007, the Board adopted a resolution pursuant to the authority provided in Government Code Section 50057, delegating authority to the County Treasurer to perform on the Board's behalf any act required or authorized to be performed by the Board under California Government Code Sections 50050, 50053, and 50055 with respect to any individual item left in the County Treasury of one thousand dollars (\$1,000) or less. However, in 2011 the Legislature amended Section 50057 to provide for an increase to five thousand dollars (\$5,000) of the maximum amount that may be transferred by the County Treasurer pursuant to the statutory provisions. Due to this statutory amendment there is now a need to increase the delegation of authority made to the County Treasurer via the adoption of the Board's resolution in 2007 to make the delegation consistent with the current statutory authority provided by Section 50057. Adopting the proposed resolution will allow the County Treasurer to escheat unclaimed monies up to the maximum amount allowed under Section 50057, without the need for Board action in the future to amend the designated maximum amount as provided in section 50057.

Current County Treasury policies and procedures exceed the requirements of the statutory escheatment process provided in the Government Code. For instance, although not required by the statutory scheme, Treasury staff makes several attempts to locate parties of interest and contact them directly in an attempt to distribute unclaimed funds before the three-year escheat period has run. Adopting the proposed resolution will not change these policies and procedures.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

There will be no adverse financial effect with adoption of the resolution. Any unclaimed monies, up to the maximum amount allowed by Section 50057, will be transferred to the County General Fund without the need for action by the Board each year. Any individual items greater than the maximum amount allowed by Section 50057 will be brought to the Board for disposition.

RESULTS

Adoption of this resolution supports the County's goal of providing A Well Governed Community by providing high quality services and adhering to fiscal responsibility.

ATTACHMENTS

1. Proposed Resolution