

RESOLUTION 2022-13
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIG
BEAR CITY COMMUNITY SERVICES DISTRICT APPROVING
THE UNCLAIMED FUNDS POLICY

WHEREAS, the Board of Directors has heretofore established unclaimed funds policy from which monies may be returned to their respective fund; and

WHEREAS, the Board of Directors has, in addition, established a policy on how the unclaimed funds will be returned; and

WHEREAS, it has been determined to be in the public interest to return unclaimed funds in accordance with Government Code Section 50050/50057 in a manner that seeks to ensure the compliance of the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Big Bear City Community Services District that the District's Unclaimed Funds Policy, attached hereto as Exhibit "A", is hereby amended, approved, and adopted.

PASSED, APPROVED, and ADOPTED by the Big Bear City Community Services District Board of Directors at a regular meeting held the 18th day of July 2022, by the following vote:

AYES:	DIRECTORS:
NOES:	DIRECTORS:
ABSENT:	DIRECTORS:
ABSTAINS:	DIRECTORS:

Larry Walsh, President
of the Board of Directors

ATTEST:

Morgan Szabad, Secretary
of the Board of Directors

EXHIBIT A

BIG BEAR CITY COMMUNITY SERVICES DISTRICT UNCLAIMED FUNDS POLICY

I. Policy Statement

The primary objectives of this policy is to hold monies due to payees for a stated term. Once that term has expired then the funds will be returned to the District. The payments cannot be held in perpetuity. The District must maintain an organized and current Outstanding Check List for liability and reconciliation purposes.

It is the policy of the Big Bear City Community Services District (“the District”) to properly account for unclaimed funds in a manner which follows Government Code Sections 50050 50057. Unclaimed funds, excluding restitution to victims, that remain unclaimed for at least three (3) years will become the property of the District after the procedures identified herein have been followed. Unclaimed funds are defined as money or funds disbursed that remain with the District Treasury or in the official custody of the District’s officers for a period of three (3) years or more without a claim being filed by the legal owner(s). Common sources include accounts payable, payroll, vendor payments, customer refunds and deposits.

The District is required to comply with the requirements of the unclaimed property laws and regulations. This policy outlines the procedures to be followed regarding checks issued by the District that remain uncashed after a specific time.

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. The notice will 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 45 days nor more than 60 days after the first publication of the notice. 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 required by the treasurer. The treasurer shall accept or reject that claim. When any such money becomes the property of a local agency, the legislative body may transfer it to the general fund.

VI. Procedure

The Finance Officer shall review and approve the monthly Outstanding Check list via the bank reconciliation process. Once those checks are more than 3 years old then notices will be run in the local newspaper according to the government code above. If the monies still remain unclaimed then the Finance Officer will bring forth a resolution to the Board of Directors to have the checks voided and the unclaimed monies returned to their respective fund.

VII. Standards of Care

1. Prudence

The Board of Directors, General Manager and Finance Officer of the District are trustees and therefore fiduciaries subject to the prudent unclaimed funds standard. When managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the needs of the District.

2. Ethics and Conflicts of Interest

In the manner required by applicable law, Officers and Employees involved in the unclaimed funds process shall refrain from personal business activity that could conflict with the proper execution and management of the unclaimed funds program, or that could impair their ability to make impartial decisions.

VIII. Policy Adoption

The District's unclaimed funds policy shall be adopted by the Board of Directors at a public meeting. Any modifications to the policy shall also be considered at a public meeting.