

**SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**  
*POLICIES & PROCEDURES MANUAL*

POLICY 54.060 - UNCLAIMED PROPERTY

Date: February 3, 2021  
Revision No.: 1  
Supersedes: November 6, 2018  
First Adopted: November 6, 2018

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**PURPOSE:**

The purpose of this policy is to establish procedures for both the Water Department and the City of San Bernardino for identifying unclaimed property, complying with related noticing requirements set forth in Government Code, developing accounting procedures, and developing claim requirements for unclaimed property.

**POLICY:**

- A. Property held by the California State Controller's Office (SCO)
1. As a public entity, the City and Water Department can claim property held by the California State Controller's Office.
  2. The Directors of Finance, or their designees, shall annually perform a web search on the California State Controller's Office Unclaimed Property website. Upon finding an account(s) that belong to the City of San Bernardino, the appropriate Director of Finance shall file a claim with the California State Controllers' Office.
  3. The appropriate Director of Finance shall assure that the claim filed is properly concluded by either receiving a rejection notice from the SCO stating the City is not entitled to the unclaimed property or by receipt of the funds.
- B. Property held by the City of San Bernardino
1. Property that is held by the City, including the Water Department, belonging to an individual or organization that remains unclaimed for a period of more than three (3) years becomes the property of

the City after proper notice is given. On a quarterly basis, the Directors of Finance for the City of San Bernardino and the Water Department, or their respective designees, will meet to review a listing of the unclaimed property.

2. After the joint listing of unclaimed property is established, 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 City of San Bernardino, or on the Water Department's Website. (Section 50050)

The notice shall include the following information:

- a. The individual or business name as shown on the issued check
  - b. The date and amount of the issued check
  - c. A statement announcing that the funds shall become the property of the City of San Bernardino on a date that is not less than forty-five (45) days after the publication of the notice (Section 50051)
3. Upon or prior to publication, a party of interest may file an **Unclaimed Property Claim Form** (Attachment A) with the City which must include the following information:
    - a. The claimant's name, address, and telephone number
    - b. Last four digits of the individual's Social Security Number or Taxpayer Identification Number
    - c. Proof of identity, such as a copy of a State-issued driver's license or photo identification card, military identification card, or a copy of the first and last page of the individual's valid passport
    - d. Amount of the claim
  4. The appropriate Director of Finance shall recommend release to the depositor, their heir, beneficiary, or duly appointed representative, unclaimed

property if claimed prior to the date the property become the property of the City upon submitting proof satisfactory to the appropriate Director of Finance. (Section 50052.5)

5. Any individual item of less than fifteen (\$15) dollars or any amount, if the depositor's name is unknown, which remains unclaimed for a period of one (1) year may be transferred to the appropriate fund as miscellaneous revenue without the necessity of public notification in a local newspaper or the Department's website. (Section 50055)
6. The responsibilities of the Directors of Finance may be delegated to the department that maintains the supporting records of the uncleared checks based on the initial receipt of deposit of that money or both. (Section 50056)

C. Disbursement and transfer of property held by the City

1. The Director of Finance will review the Claim Forms and recommend approval or rejection of the claim.
2. If approved, the Finance Department may release the unclaimed money to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, except as otherwise noted in this policy if:
  - a. Claim is filed prior to the date the money becomes the property of the City of San Bernardino.
  - b. Proof substantiating the claim is conveyed, including all items detailed in Section III(B) of this policy.
3. If rejected, the Director of Finance will generate an **Unclaimed Property Claim Rejection Form** (Attachment B) that will be sent to the depositor.
  - a. A depositor may file a verified complaint seeking to recover all, or a designated part, of the money in a court within San Bernardino County. The Director of Finance shall be served a copy of the complaint and summons which must be served within thirty (30) days of receiving notice that the claim was rejected. The Director of Finance 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.

- 4. Upon the close of business on the forty-fifth (45) day after publication of the first notice, the unclaimed checks become the property of the City of San Bernardino.
- 5. When the unclaimed property becomes the property of the City, the Finance Department will transfer it to the account upon which the funds were originally drawn or applied. (Section 50053)
  - a. When the original fund cannot be identified, the City Council may authorize staff to transfer it to the General Fund. (Section 50053)
  - b. The City Council delegates this authority to the City Manager.

**RESPONSIBILITY:**

***Finance Division – Work with City’s Finance Department to establish and maintain a quarterly listing of unclaimed property.***

**Policy Review**

Board Approved:	<u>11/13/2018</u>
No Changes:	<u>7/2019</u>
No Changes:	<u>7/2020</u>
Revised:	<u>2/3/2021</u>