



Agenda Date: 11/15/2005
Agenda Placement: 6N

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Tina Spencer, Administrative Secretary II, 259-6717
SUBJECT: Transfer of unclaimed monies totaling \$34,486

RECOMMENDATION

Director of Public Works requests transfer to the General Fund of unclaimed monies totalling \$34,486 currently held in the Public Works Performance Bond Trust Fund.

EXECUTIVE SUMMARY

Director of Public Works is requesting approval to transfer to the General Fund \$34,486.54. This represents the total balance of fifty-three (53) outstanding unpaid/unclaimed Public Works Performance Bond Trust accounts monies. The Department has exercised due diligence in locating the owner(s) of these funds in order to refund the balances. Despite this due diligence these funds remain unclaimed. Government Code Section 50053 provides that 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.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	The Public Works Performance Bond Trust Fund.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	No future impact.
Consequences if not approved:	The monies in the trust account will remain as unknown monies and interest will continue to accumulate. The trust will remain open and reconciliation will

have to continue and the Department will be out of compliance with the Audit Finding.

Additional Information: None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Auditor Controller performed several internal audits for Fiscal Year ending June 30, 2001. Included among those audits was the Performance Bond Trust Fund account. The Napa County Public Works Performance Bond Trust funds were established pursuant to Government Code Section 66499. The monies in this account consisted of taxpayer's deposits for the completion of driveways. Upon completion of the driveway, the taxpayer was issued a warrant and refunded their deposit with interest. The internal audit established that the Trust Fund balances needed to be timely reconciled, and where appropriate, any outstanding balances were to be appropriately distributed.

The Public Works Department, with the assistance of the Auditor-Controller's office, has reconciled the funds through June 2, 2005. From the remaining Trust balance, a total of one hundred twenty-six (126) claims were paid and fifty-three (53) remained unclaimed. For the 126 claims paid in full, repayment consisted of the outstanding balance on deposit as well as interest accrued on the balance since the deposit. Any refund payments that were returned or voided as six-month stale dated warrants, were held until the Department published a notice once a week for two successive weeks in a newspaper of general circulation, in accordance with Government Code Section 50050 et seq. notifying the public that these funds were being held for claiming.

Government Code Section 50053 states that 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. As a result, the Public Works Director requests the Board approve the transfer into the General Fund of the fifty-three (53) unclaimed Funds amounting to \$34,486.54.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey