



Agenda Date: 2/1/2005  
Agenda Placement: 6J

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Britt Ferguson for Nancy Watt - County Executive Officer  
County Executive Office  
**REPORT BY:** Pamela Miller, Clerk of the Board/Admin. Mgr., 253-4196  
**SUBJECT:** Transfer of unclaimed monies from Fund 3900 to the General Fund

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### **RECOMMENDATION**

County Executive Officer and Clerk of the Board request transfer of unclaimed monies totaling \$360.78 currently held in the Clerk of the Board Trust Deposit Trust Funds to the General Fund.

### **EXECUTIVE SUMMARY**

An internal audit by the Auditor-Controller of the Clerk of the Board Tax Deposit Trust Funds for fiscal year ending June 30, 2001, noted irregular reconciliations that required attention. Since that time, staff has been working on reconciling the Funds in accordance with Government Code Section 50050 et seq. Upon completion of Fund payouts, unclaimed monies are to be transferred to the General Fund. On April 27, 2004, the Board approved transfer of the majority of the unclaimed Funds, with the exception of two (2) pending claims. Processing of those claims has concluded and this action is required to complete the reconciliation.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	The Clerk of the Board Tax Deposit Trust Fund 3900.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	None as this is a one-time transfer of \$360.78.

Consequences if not approved: Internal audits for the Trust Funds would continue to note irregular reconciliations and the County would be in violation of Government Code Section 50050, et seq.

Additional Information: None.

### **ENVIRONMENTAL IMPACT**

There is no Environmental Impact for this item.

### **BACKGROUND AND DISCUSSION**

The Clerk of the Board Trust Fund accounts were established pursuant to Government Code Section 66493. The funds in these accounts consist of taxpayer's deposits of estimated property taxes not yet due and payable on property undergoing subdivision or lot line adjustment. When the specific amount of tax is known and the tax is due and payable, a warrant is drawn payable to the County Tax Collector to pay the tax and any balance remaining is refunded to the taxpayer.

The Auditor-Controller performed an internal audit of the Napa County Executive Office (Department) as of and for the fiscal year ended June 30, 2001, which included the Clerk of the Board Tax Deposit Trust Funds (Funds). Prior year findings of audits noted irregular reconciliation of the Funds. Results of the audit for fiscal year ending June 30, 2001 noted: (a) the Department hired a temporary staff person to perform the research necessary to reconcile and distribute the money in the Funds; and (b) the Department was in the process of completing the claims and journal entries necessary to close the accounts.

The Department, with the assistance of the Auditor-Controller's office, reconciled the Funds through September 4, 2003. Fund payments that were either returned or voided as a six-month void were held until the Department caused a notice to be published once a week for two successive weeks in a newspaper of general circulation, in accordance with Government Code Section 50050 et seq. The Government Code provides for the monies to become the property of the County if unclaimed by the date specified in the notice, and further 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. Such notice was published September 14 and 21, 2003, and in accordance with Government Code Section 50051, all parties of interest were given fifty (50) days to file a claim.

On April 27, 2004, the Board approved transfer of unclaimed monies totaling \$27,505.76, consisting of three (3) denied claims and twenty-two (22) unclaimed Funds. At that time, there were two (2) remaining claims being held open pending further review. Subsequently, one of those claims was approved and paid in full. The other claim involved two parties, one of which received payment in full for their prorated share of the Fund. The balance of the Fund, \$360.78, remains unclaimed, and in accordance with Government Code should now be transferred to the General Fund.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Britt Ferguson