

RESOLUTION NO. R-024 - 080

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS,
COLORADO**

A RESOLUTION ADOPTING AN ABANDONED PROPERTY POLICY

WHEREAS, in the routine business of Douglas County, employees of the County regularly interact and conduct business with members of the public; and

WHEREAS, during the course of those interactions and transactions, employees of Douglas County come into possession of personal property that has been lost, forgotten, or otherwise abandoned by a member of the public; and

WHEREAS, pursuant to C.R.S. §30-11-101(1)(i), it is within the authority of a Colorado County to enact provisions to dispose of abandoned personal property acquired by a county or a county employee in performing their official duties; and

WHEREAS, certain types of unclaimed personal property held by Douglas County are subject to Colorado's Unclaimed Property Act, C.R.S. §38-13-101, *et seq.*,

WHEREAS, C.R.S. §38-13-1504, provides an exemption from Colorado's Unclaimed Property Act, where a local government adopts an ordinance or resolution for the management of property subject to the Act.

WHEREAS, Douglas County adopts this Resolution exempting Douglas County from the requirements of Colorado's Unclaimed Property Act and to provide for the management and disposal of unclaimed property held by the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS THAT:

Douglas County ("County") adopts the following policy relating to abandoned personal property left in the custody of the County (the "Policy").

Section 1- Definitions and Classification

Department Head - Department Head is defined as any County Elected Official and any other County employee that is appointed as the primary supervisor of any County Department. A Department Head may designate another County employee under his or her supervision to perform any of the duties required by this Policy. For the purposes of this Policy, Department Heads are responsible for executing the provisions of this Policy as they relate to property matters within the Department Head's County Department.

Tangible Abandoned Property - Tangible Abandoned Property is defined as all

property that is not defined as Intangible Abandoned Property and has been determined by this Policy to be Abandoned Property in Section 2. Property that has been otherwise defined as not being subject to this Policy (e.g. waste) is not considered Tangible Abandoned Property.

Intangible Abandoned Property - Intangible Abandoned Property is defined as moneys, currency, and credit balances in the possession of the County that has been determined by this Policy to be Abandoned Property in Section 2 (e.g. currency left abandoned at a County facility). The definition is intended to have the same definition as "Property" under Colo. Rev. Stat. §38-13-102(24), as amended.

Low Value Tangible Property - Low Value Tangible Property is defined as Tangible Abandoned Property that, in the good faith assessment of the Department Head, has a value of \$20 or less. Any property that is deemed by the Department Head to have zero or negligible value is not considered Low Value Tangible Property, the property is not considered subject to this Policy, and the property may be disposed of as waste.

Section 2- Acquisition

1. All personal property that is not owned by the County nor owned by any County employee that comes into the possession or custody of any County employee after being left at any County facility or in any bank account owned by the County shall be subject to this Policy. Personal property found on County property by any County employee shall be deemed to be in the custody of the County for the purposes of this Policy. All personal property subject to this Policy that is collected by any employee of the County shall be delivered to the employee's Department Head for disposition under this Policy. Any items that are immediately determined to be waste and of negligible value, as reasonably determined in good faith by the County employee collecting the property, is not subject to this Policy and may be disposed of as waste.
2. Any personal property in the custody of the County for which an owner can be quickly identified shall be returned to that owner using any reasonable method. Upon successful return of the property to the owner, such property shall not be subject to any of the other provisions of this Policy.
3. Any personal property in the custody of the County for which an owner cannot be quickly identified is considered "Abandoned Property" for the purposes of this Policy.
4. Any personal property in the custody of the County for which an owner can be quickly identified but reasonable efforts and methods to return the property were not successful is considered "Abandoned Property" for the purposes of this Policy.

Section 3- Determination of Owner

1. For any Abandoned Property for which an owner is not known, the Department Head must make reasonable good faith efforts to determine the owner. Good faith efforts shall be determined by the Department Head on a case-by-case basis.
2. More intensive efforts are required for any Abandoned Property that has a higher value in the assessment of the Department Head.

Section 4- Notice

1. For any Intangible or Tangible Abandoned Property for which no owner could be determined under the efforts of Section 3, no notice procedures shall be required.
2. For any Intangible or Tangible Abandoned Property for which an owner can be established to a reasonable certainty, notice of the County's possession of the property shall be sent to the owner using the owner's last known contact information. Any method of contact or combination of contacts by way of contact information known to the County for the owner may be used. The method and number of attempts to give notice to an owner shall be determined on a case-by-case basis by the Department Head and may depend on the value of the property.
3. A known owner's last known contact information shall be determined through reasonable efforts of the Department Head on a case-by-case basis. The Department Head may seek the information through any other reasonable method. For an owner who is known but for whom the Department Head, after reasonable efforts, has no contact information or the contact information known to the Department Head is invalid, no additional notice is required.
4. For Low Value Tangible Property, notice must be attempted but may be completed through the use of efforts that require the minimal use of County resources at the discretion of the Department Head.

Section 5- Retention and Disposition of Tangible Property

Low Value Tangible Property. Any abandoned Low Value Tangible Property, shall be retained for a period of one week after collection by the County if the owner is unknown, and one week after notice if the owner is known. After the retention time has elapsed, the Department Head may dispose of the property by any reasonable method as may be appropriate on a case-by-case basis, including, but not limited to, donation of the property to charity or disposing of the property as waste.

Retention Period for Tangible Abandoned Property Valued at Greater than \$20.00.

Any tangible Abandoned Property that has an estimated value of greater than \$20.00 but less than \$200.00 as determined by the Department Head shall be retained for a minimum period of one month after collection by the County if the owner is unknown or one month after notice if the owner is known. Any tangible Abandoned Property that has an estimated value of greater than \$200.00 as determined by the Department Head shall be retained for a minimum period of three months after collection by the County if the owner is unknown or three months after notice if the owner is known. After the retention time has elapsed, the Department Head may dispose of the property pursuant to this Policy.

Disposal of Tangible Abandoned Property Valued at Greater than \$20.00. Any Tangible Abandoned Property that has an estimated value of greater than \$20 after the relevant retention period under this Policy shall be disposed of as follows:

1. The Department Head may dispose of any such property in any manner consistent with this Policy.
2. The method of disposal may include, but is not limited to, sale of the property, donation to charity, and conversion for use by the County.
3. No County employee may personally benefit from the disposal of any property subject to this section. No County employee may purchase or otherwise receive any property subject to this section.
4. Any method of sale may be used at the discretion of the Department Head subject to the following restrictions. Any method of sale must offer the property in a manner that is open for purchase by any member of the general public. Direct offers for sale to singular individuals, to include a County employee's family or friend, is not permitted. However, if the offer to sell the property is open to the general public, and a County employee's family or friend successfully initiates the transaction, it is permitted.
5. Any Tangible Abandoned Property that is greater than \$1,000 in value shall be reported to the County Administrator. The County Administrator, at his or her discretion, may elect to take possession of the property and administer the sale or disposition on behalf of the County. If the County Administrator declines to exercise his or her option, the Department Head may dispose of the property pursuant to this Policy.
6. All monies obtained pursuant to any sale of Tangible Abandoned Property pursuant to this Policy is the property of the County, and the prior owner has no claim to it. All monies received from such a sale must be deposited to the County's general fund.

Section 6 - Intangible Abandoned Property

Applicability of the Unclaimed Property Act. When the County comes into the possession of Intangible Abandoned Property, the Department Head may elect to follow the requirements and procedures of the Unclaimed Property Act (Colo. Rev. Stat. §38-13-101, et. al., as amended) ("UPA") rather than apply this Policy. The Department Head may elect to apply the UPA on a case-by-case basis. The Department Head may choose to apply this Policy for some Intangible Abandoned Property and the UPA for other Intangible Abandoned Property. Any Intangible Abandoned Property that a Department Head intends to dispose of by way of the UPA shall be subject to all statutory provisions of the UPA, and the requirements of this Policy shall no longer apply to that specific property.

All Intangible Abandoned Property intended to be disposed of by way of this Policy must be retained for six years to allow the owner the opportunity to claim it. After the first year, the Department Head must provide the Colorado State Treasurer a report on or before November 1 of each year containing the following information:

1. An alphabetical list of the owners for whom the Department Head is holding the Intangible Abandoned Property.
2. The value of the Intangible Abandoned Property for each owner.

After the Intangible Abandoned Property has been retained for six years and the owner has not claimed the property, the Intangible Abandoned Property may be converted to the County's ownership. The amount shall be deposited into the County's General Fund.

Section 7 - Disposition of Funds

Once Abandoned Property is converted to County ownership pursuant to this Policy, any funds received as part of the process must be deposited to the County's General Fund. The County may then make use of any such funds in good faith for the benefit of the County.

Any Department Head may request converted funds be applied to their department through the use of the County's Supplemental Budget Process. Any funds received by a Department specifically related to converted Abandoned Property shall be used in good faith by the Department for the benefit of the County.

Section 8 - Department Specific Exceptions

The provisions of this Section apply to the below listed Departments of the County. To the extent that the additional provisions in this Section conflict with other sections of this Policy, the terms of this Section shall apply.

Douglas County Treasurer's Office ("Treasurer")/ Office of the Public Trustee

1. All County warrants, drafts, and checks issued by the Treasurer for any accounts that are the responsibility of the Treasurer and under the control of the Treasurer that are not presented for payment within six months after issuance shall be either applied to an account with the County or referred to the state. If the owner requests a replacement check, a fee of \$10.00 will be charged to re-issue the check.
 - i. In the event that such warrants, drafts, and checks are related to an original tax payment, such funds will be credited to the original tax account for that owner. If the owner has an established tax account but has a zero balance, the funds will be applied as a prepayment to the owner's account.
 - ii. In the event that such warrants, drafts, and checks are not related to an original tax account, the Treasurer will inquire with the department referring the funds for current records. If the records indicate a name and address that matches the name and address on a tax account, the funds shall be credited to the corresponding tax account held with the Treasurer with the Department Head approval. Should the Department Head not give approval or if no tax account can be identified based on the records available with the department, all funds subject to this paragraph shall be returned to the Department Head for disposition under this Policy. All warrants, drafts, and checks subject to this paragraph that are issued by the Treasurer that are not referred by another department shall be disposed of by the Treasurer under this Policy.
2. The Treasurer shall retain a dormancy fee for all warrants, drafts, and checks that are not presented for payment within six months after issuance. The fee will total \$25.00 or the total amount of the warrant, draft, or check, whichever is smaller. The dormancy fee will cover the cost of research, mailings, and efforts made to locate the apparent owner as a result of failure to claim the property within 6 months. This dormancy fee shall apply to all warrants, drafts, and checks issued by the Treasurer. Notice of dormancy fee will accompany checks upon original issue. Fees collected by the Treasurer pursuant to this paragraph shall be retained by the Treasurer.
3. Any "overbid" as defined by C.R.S. §38-38-100.3(17.3) for a foreclosure sale that remains unclaimed for six months after the date of sale shall be presumed abandoned (C.R.S. §38-13-214) and may be retained for five years after the presumption of abandonment before disposal under this policy.

Douglas County Sheriff's Office ("Sheriff")

1. All tangible evidence seized or other tangible property acquired in the law enforcement operations of the Sheriff shall be disposed of pursuant to policies of the Sheriff. All other forms of Tangible Abandoned Property acquired by the Sheriff but not as part of the Sheriff's law enforcement operations shall be subject to this Policy.
2. Funds seized as part of the Sheriff's law enforcement activities that are subject to federal forfeiture processes or any other legal process to dispose of the funds are not subject to this Policy. All other Intangible Abandoned Property that is acquired by the Sheriff as part of law enforcement operations shall be disposed of according to this Policy.

Section 9 - Miscellaneous Provisions


All property that, as of the adoption of this Policy, is already in the possession of the County that would have been subject to this Policy is automatically subject to this Policy. To the extent efforts by County employees that are consistent with this Policy have already occurred to return Abandoned Property prior to the adoption of this Policy, the actions required of this Policy shall not be repeated. Any time requirements under this Policy for any property already in the possession of the County may be calculated based on the time the action associated with this Policy actually occurred.

Generally, the provisions of this Policy should be interpreted with the overall goal of returning property to the original owners of the property.

PASSED AND ADOPTED this 23rd day of July 2024, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

BY:

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GEORGE TEAL, Chair

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ATTEST:

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HAYLEY HALL, Clerk to the Board