

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: September 13, 2012**

SUBJECT: Revision of Administrative Policy 1-06 “Disposition of Unclaimed Money and Property”

SUBMITTING DEPARTMENT: Legal

PREPARED BY: Carol Cornell, Paralegal

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Resolution No.1809

SUMMARY BACKGROUND: The Town’s Administrative Policy 1-06 “Disposition of Unclaimed Money and Property” was first adopted by Town Council on September 26, 2002, by Resolution No. 1116. The policy established procedures (consistent with A.R.S. §12-941 *et seq.*) for responsible disposition of unclaimed money and property coming into the custody of the Town and remaining unclaimed after due notice.

Central to the procedures set out in Policy No. 1-06 was the requirement that the Town obtain an order from the Yavapai County Superior Court for the ultimate sale and/or disposition of all unclaimed property and money held by the Town.

During the last legislative session, two separate bills were introduced and passed that significantly amended A.R.S §12-941 *et seq.*

House Bill 2371 repealed the section that required a court order for the sale of unclaimed property and streamlined the notice requirements. That amendment allows agencies holding unclaimed property to sell all such property after the expiration of a thirty-day notice period without having to petition the superior court.

Senate Bill 1241 essentially reinserted the requirement for obtaining a court order but only with respect to firearms that would be sold to businesses that would resell the firearms to the public. But, the bill is silent as to which court must issue the order. Accordingly, these amendments to Policy No. 1-06 provide for petitioning the Prescott Valley Magistrate Court for such orders in order to save the time and expense of having to petition the superior court.

On April 3, 2012 and April 4, 2012, Governor Brewer approved HB 2371 and SB 1241, respectively. Staff desires now to present this amendment to Policy No. 1-06 to conform to this recent legislation.

OPTION ANALYSIS: Council may adopt this resolution amending Policy No. 1-06, propose changes to the Resolution prior to adoption, or decline to adopt such a Resolution.

ACTION OPTION: Motion to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No.1809 adopting the amended Town Administrative Policy No. 1-06, **OR** Motion not to approve Resolution No. 1809. **VOTE.**

RECOMMENDATION: Staff recommends authorizing signature of Resolution No. 1809 amending Town Administrative Policy No. 1-06.

FISCAL ANALYSIS: The amendments to the Town Administrative Policy No. 1-06 will streamline the process for the responsible disposition of all unclaimed property held by the Town, reducing the amount of time spent by Town staff to dispose of such property.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____