

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2020

COUNCIL BILL NO. CB 20-0727
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance amending Article III of Chapter 20 of the Denver Revised Municipal Code regarding the handling of unclaimed warrants, checks or other payments.

WHEREAS, the Legislature of the State of Colorado has approved Senate Bill 19-088, thereby adopting the Revised Uniform Unclaimed Property Act (C.R.S. §§ 38-13-101, *et seq.*), which is effective as of July 1, 2020 (as enacted, the “Act”),

WHEREAS, Section 20-43, Article III, Division 3 of Chapter 20 of the Denver Revised Municipal Code is to be amended to conform with the requirements of the Act,

WHEREAS, it is the intent of the City to adopt this ordinance to conform Section 20-43 of the Denver Revised Municipal Code with the requirements of the Act.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Section 20-43, Article III, Division 3 of Chapter 20 of the Denver Revised Municipal Code shall be amended by adding the underlined language, and deleting the stricken language, as follows:

Sec. 20-43. – Handling of unclaimed warrants, checks or other payments.

(a) Each warrant, check or other payment drawn and issued shall expire one hundred eighty (180) days from the date of issue. Upon expiration, every warrant, check or other payment shall be canceled and the cancellation noted in the records of the manager of finance. The amount thereof shall be credited to the special trust fund established for unclaimed warrants, checks or other payments.

(b) An expired warrant, check or other payment drawn and issued shall be considered to be abandoned one (1) year from the date of issue.

(c) The city shall no longer be liable for payment of any claim ~~two (2)~~ six (6) years from the date the claim arose. Within thirty (30) days following the last working day of each month, ~~two (2)~~ six (6) years after a warrant, check or other payment has been issued to pay a claim upon the treasury, the amount of any expenditure or claim for which the city is no longer liable shall be deemed to

1 return to the custody of the city and be returned to or credited to the general fund, except as
2 otherwise required by law.

3 ~~(e)~~ (d) Any application for reissuance of a warrant, check or other payment must be made to the
4 manager of finance prior to the date the city's liability on the claim expires. If application to the
5 manager of finance is timely made and it appears that the expenditure or claim which the
6 canceled warrant, check or other payment represented is still valid and unpaid, the manager of
7 finance shall issue a new warrant, check or other payment, and the amount thereof shall be
8 charged to the unclaimed payments special trust fund. In such case, the liability of the city on
9 the claim shall be one hundred eighty (180) days from the date the warrant, check or other
10 payment is issued or the end of the ~~two~~ six-year period provided pursuant to subsection ~~(b)~~ (c),
11 whichever is later. No interest shall be paid by the city on any funds received or disbursed
12 pursuant to this section.

13 ~~(d)~~ (e) The manager of finance shall maintain a list of all unclaimed and canceled warrants, checks
14 or other payments for which the city remains liable. Such list shall be updated monthly and shall
15 be available for inspection at the office of the manager of finance. Each month the manager of
16 finance shall ~~provide to~~ make available in the system or record of the originating agency a list of
17 warrants, checks or other payments which have reached the one hundred eighty (180) days
18 expiration date and have been canceled.


19 ~~(e)~~ (f) In conformance with applicable state law, the city shall electronically provide the state
20 treasurer with the following information on or before November 1 of each year:

21 a. An alphabetical listing of the payees for whom the city holds abandoned warrants, checks or
22 other payments; and

23 b. The value of the abandoned warrants, checks or other payments that the city holds for each
24 such payee.

25 (g) This section shall not apply whenever superseded by state or federal law.
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1 COMMITTEE APPROVAL DATE: July 28, 2020 by Consent
2 MAYOR-COUNCIL DATE: August 4, 2020
3 PASSED BY THE COUNCIL: August 17, 2020

4  - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: August 6, 2020

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

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16 Kristin M. Bronson, Denver City Attorney

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18 BY: , Assistant City Attorney DATE: Aug. 10, 2020