

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-503-2019

**AN ORDINANCE TO AMEND CHAPTER 20 OF THE SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY CODE OF ORDINANCES BY AMENDING ARTICLE V
SECTIONS 20-110 THROUGH 20-115 TO PROVIDE FOR AN ADMINISTRATIVE
PROCESS FOR THE DISBURSEMENT OF UNCLAIMED MONETARY PROPERTY.**

BE IT ENACTED THAT:

Chapter 20 of the Salt River Pima-Maricopa Community Code of Ordinances is hereby amended to repeal the existing Article V, and replace it with the following:

ARTICLE V. UNCLAIMED PERSONAL PROPERTY

Sec. 20-110. Definitions.

Apparent Owner means the person whose name appears on the records of the Community government as the person entitled to the money held by the Community government.

Claim means a written assertion of rights to or over unclaimed property.

Claimant means any individual filing a formal claim to unclaimed property.

Money or monetary means the amount that is a recognized liability payable on a check, draft or similar instrument on which the Community government is directly liable, including a cashier's check and a certified check.

Unclaimed Property means personal property that includes both money and goods.

Sec. 20-111. Applicability

- (a) *Community government.* This ordinance only applies to unclaimed property in the possession of the Community government. This ordinance does not apply to unclaimed property held by the Community's enterprises. The Community's enterprises govern abandoned property pursuant to their own approved policies.
- (b) *Exemption of Indian allotted lands.* This ordinance does not apply to any money or revenue earned from lands held in trust by the Federal government for the benefit of

Individual Indians, also known as Indian allotted lands (commercial leasing, agricultural leasing, rights-of-ways payments, etc.).

- (c) *Nonmonetary items of de minimis value.* This ordinance does not apply to nonmonetary property items that are de minimis in value (under \$100.00) and that may be left at the Community government (jackets, backpacks, supplies, etc.).

Sec. 20-112. Property of others in the custody of the Community government which has not been claimed.

(a) *Presumption of abandonment.* Unclaimed property is presumed abandoned if it is unclaimed by the apparent owner according to the following schedule:

- (1) Any money that has been outstanding for more than five (5) years after it was payable or after issuance if payable on demand, is generally presumed abandoned.
- (2) Unless governed by another provision of this Code of Ordinances, all other non-monetary personal property is presumed abandoned three (3) years after the owner's rights to demand the property or distribute the property arises, whichever occurs first.

(b) *Storage of unclaimed property.* All unclaimed property shall be stored in a secured location, and in the protective custody of the Community government.

Sec. 20-113. Holding of unclaimed money.

(a) *Inventory.* The Community's Finance Department ("department") must maintain an inventory of all unclaimed money.

(b) *Publication of the Inventory.* The Finance Director shall ensure that an inventory of unclaimed money on the Community's externally-facing web site is updated and maintained, and also ensure a semi-annual publication in the Community's newspaper occurs.

(c) *Claims made.* If any person makes a claim for any unclaimed money, the Finance Director is authorized to decide, in accordance with the law, whether the claimant is legally entitled to the money.

- (1) The department shall ensure that within ninety (90) days after a claim is filed, that the department shall approve or deny the claim and shall give written notice of the decision to the claimant.

(2) If the claim is denied, the department shall inform the claimant in writing of the reasons for the denial and shall specify what additional evidence, if any, is required before the claim will be allowed. The claimant may then file a new claim with the department.

(3) If the claim is approved, the department shall pay the claimant within 30 days.

(d) *Interest and Fees.* The Community does not charge an administrative fee for handling the funds nor does not pay interest on the unclaimed money.

Sec. 20-114. Abandoned money.

(a) *Disposition of abandoned money.* If no one makes a valid claim for the money for the required five years period, the Finance Director is authorized to handle the money pursuant to this ordinance.

(1) After five (5) years from the original liability date has passed, unclaimed and abandoned Per Capita funds shall be reported by the department to the Treasury department for inclusion for distribution in the next Per Capita.

(2) After five (5) years from the original liability date has passed, unclaimed and abandoned monetary property (except Per Capita distributions, and lease and right-of-way payments exempted by 20-111(b)) shall be taken back into the Community's general fund.

Sec. 20-115. Procedure for disposition of unclaimed non-monetary property.

(a) At any time no less than 30 days but no more than 50 days after a report of non-monetary unclaimed property has been made to the clerk of the court, the person making such report shall file a petition with the clerk of the Community court requesting that the court order that the property be sold or otherwise disposed of. The petition shall set forth a description of the property, the name of the person last lawfully possessed of the property, if known, the names, if any, of the person or persons claiming the property and the facts and circumstances, if known, concerning the acquisition of the property by the person making the initial report of unclaimed property.

(b) Upon the filing of the petition, the clerk of the Community court shall send a copy of the petition to any person whose name is listed in the petition or who has otherwise made a claim to the property described in the petition. The petition shall be sent by certified mail, return receipt requested, to the last known address of such person.

(c) A copy of the petition shall be posted on the Community bulletin boards.

(d) There shall be appended to each copy of the petition mailed or posted a notice stating that the Community court shall on a date certain, not less than 30 days nor more than 45 days from the date of mailing and posting, hold a hearing to determine what the proper disposition of the property should be.

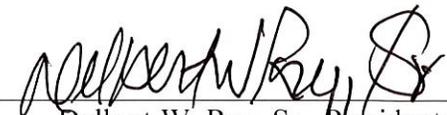
(e) At the court hearing concerning the proper disposition of the property, the court shall determine whether the property shall be sold, or turned over to a person claiming the property. If the court determines that the property should be sold, a private sale shall be conducted by the clerk of the court at the office of the clerk of the court on a day certain no later than ten days nor more than 20 days after the judicial determination. The judicial determination of disposition shall be made within five days after the hearing. Notice of private sale shall be given by registered mail to any person whose name appears on the petition or who has after the date of the petition made a claim to the personal property, and by such other methods as are calculated to secure interested buyers.

(f) The proceeds of the private sale shall be paid to the general funds of the Community.

C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section ___ of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 14th day of November, 2018, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 8 members were present by a vote of 7 for; 1 opposed, 0 abstentions, and 1 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL


Delbert W. Ray, Sr., President

ATTEST:


Erica Harvier, Council Secretary

