

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

## ORDINANCE E-20

### **An Ordinance establishing an Unclaimed Monies Fund for the City of Orrville, Ohio.**

WHEREAS, pursuant to Ohio Revised Code §9.39,"[a]ll public officials are liable for all public money received or collected by them or by their subordinates under color of office," and all money so received or collected and not otherwise paid out according to law "shall be paid into the treasury of the public office . . . to the credit of a trust fund, retained there until claimed by its rightful owner, . . . and if not claimed within five years," directed back "to the general fund or other applicable fund of the public office;" and

WHEREAS, in compliance with said Ohio Revised Code §9.39, the City of Orrville, Ohio, is in need of a separate fund within its accounting practices and systems that will be utilized as a trust fund for the specific purposes of accumulating monies that are unclaimed, and paying monies over as it becomes necessary when rightfully claimed, or when unclaimed after a period of five years.

NOW, THEREFORE, BE IT ORDAINED by the City of Orrville, Ohio, that:

Section 1: A separate and specific fund is hereby established within the accounting practices and systems of the City of Orrville that will be utilized as a trust fund for the specific purposes of accumulating monies that are unclaimed, and paying monies over as it becomes necessary when rightfully claimed, or when unclaimed after a period of five years. Said fund shall be known as the UNCLAIMED MONIES FUND.

Section 2: For any checks/payments issued by the City of Orrville that become stale-dated (ninety days from issue date have passed without the checks/payments being cashed/negotiated), such check/payment shall be considered "unclaimed money." For each check/payment that is unclaimed, the Fiscal Officer shall remove the check/payment from the Fiscal Officer's list of outstanding checks/payments and shall make a memorandum pay-in to the UNCLAIMED MONIES FUND, posting therein the check/payment number, the name of the payee, and identifying the money as "unclaimed."

Section 3: If, within five years, the rightful owner claims the unpaid money, the Fiscal Officer shall issue a check in the proper amount to the rightful owner, from the UNCLAIMED MONIES FUND. If the liability remains unclaimed for a period of five years from the date the unclaimed money was placed into the UNCLAIMED MONIES FUND, the Fiscal Officer shall pay over such unclaimed money to the City of Orrville's general fund or other applicable fund.

Section 4: If, after the five-year period the rightful owner claims the unpaid money, and the Fiscal Officer has properly paid over such unclaimed money to the GENERAL FUND in accordance with this Ordinance, the Fiscal Officer shall issue a check in the proper amount to the rightful owner, from the general fund or other applicable fund.

Section 5: This Ordinance shall take effect at the earliest date allowed by law.

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Passed this 21 day of December 2020.

Paul Vann  
President of Council

Attest:

Jeanne Bauer  
Clerk of Council

Approved:

David J. Handweil  
Mayor

12/21/20  
Date