



**COLORADO**

Department of  
Regulatory Agencies

Division of Banking

## **PUBLIC DEPOSIT PROTECTION ACT**

Application by Official Custodian for Assignment of  
PDPA Number for Public Funds Deposited in Banks

1560 Broadway, Suite 975, Denver, Colorado 80202

Complete a separate application that identifies an "official custodian" of public funds deposited in a bank for each "public unit," as defined below, or other entity mentioned in Section 11-10.5-103(9)(b), C.R.S. Please refer to the accompanying instructions for information on completing the application. The definition of an official custodian appears in Section 11-10.5-103(9), C.R.S., a copy of which is included with the instructions. As discussed further in the instructions, failure to complete this application, or errors in the completion of this application, may result in the loss of protections otherwise applicable to public funds and/or official custodians.

Please note that this application does not apply to funds deposited in a savings and loan institution, credit union, or other exceptions.

After receipt and processing of the completed application, PDPA number(s) will be assigned, and the official custodian will be notified of the number(s). Please allow up to two (2) weeks to receive your number(s). Regarding bank accounts, official custodians must notify the banker(s) in writing of the PDPA number(s).

### **Return the completed application via email to:**

DORA\_PDPA@state.co.us

Public Deposit Protection Program Colorado Division of Banking

### **PLEASE TYPE OR PRINT ALL INFORMATION**

A. Name of public unit or other entity:

---

Statutory citation under which the public unit or entity was created:

---

B. Identify the type of public unit or other entity named in Section (A).

1. Is the entity named in Section (A) a public unit that, for the purposes of this application, includes only the State of Colorado, or a county, municipality, or political subdivision (defined below) thereof?

YES

NO

"The term 'political subdivision' includes drainage, irrigation, navigation, improvement, levee, sanitary, school or power districts, bridge or port authorities, and other special districts created by state statute or compacts between the states. It also includes any subdivision of . . . [the State, county or municipality] or any principal department of . . . [the State, county, or municipality]:

- (1) The creation of which subdivision or department has been expressly authorized by the law of such public unit;
- (2) To which some functions of government have been delegated by such law, and
- (3) Which is empowered to exercise exclusive control over funds for its exclusive use."

If no, move to Section (B)(2).

If yes, check the one category of the following that most specifically describes the type of public unit named and then move to Section (C). If one of the categories is checked below, do not check any categories of Section (B)(2).

a. State of Colorado		g. District formed by compact between Colorado and other state(s)	
b. County		h. Other "political subdivision" (refer to definition above) of the State of Colorado	
c. City or town (statutory, home rule, or territorial charter)		i. "Political subdivision" (refer to definition above) of a county	
d. City and county (combined)		j. "Political subdivision" (refer to definition above) of a municipality	
e. School District		k. County housing authority	
f. Title 32 Special Districts and other special districts created by or pursuant to state statute (not including a special improvement district)		l. Municipal housing authority	

2. If the entity named is not a public unit, is it an "entity" as described in Section 11-10.5-103(9)(b), C.R.S.? Sections (B)(2)(a) through (f) below list each entity, as described in Section 11-10.5-103(9)(b), C.R.S., that is not a public unit.

YES

NO

If yes, check the one category below that most specifically describes the type of entity named.

a. Institution of higher education		d. Public entity insurance pool organized pursuant to Colorado statute	
b. Institution, department, agency, instrumentality, or authority of any of the foregoing described in Section (B) (1) or Section (B)(2)(a)  Identify the statute or other legal authority under which such institution, department, agency, instrumentality or authority is organized:		e. Public body corporate created under Colorado statute or constitution Identify the statute or constitutional provision under which such public body corporate is organized:	
c. Local government investment pool organized pursuant to Section 24-75-701, C.R.S., et. seq.)		f. Other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing described in Section (B)(1) and Section (B)(2)	

If Section (B)(1) and Section (B)(2) were answered no, the official custodian designation does not apply under the PDPA. Do not complete or return this application. If the entity named is a subordinate unit of a public unit named in Section (B) (1), but is not a political subdivision as defined above, identify that public unit:

A separate PDPA number will not be issued. Under these circumstances, if an individual is in possession of public funds, the official custodian of the parent public unit should be contacted. The PDPA number of that "official custodian" should be used when depositing funds in a bank.

### **C. What public funds are in custody?**

1. If a public unit was named in Section (A), do you have custody of any public funds of the named public unit that by law, or under a bond indenture, are required to be set aside to discharge a debt owed to the holders of notes or bonds issued by the public unit, as provided in Section 12 C.F.R. 330.15(c).

YES

NO

If yes, identify each such fund or bond issue by the complete name(s) or descriptive title(s):

2. If a public unit or entity was named in Section (A), do you have custody of any pension funds or other employee benefit retirement plan funds of the public unit or other entity named in Section (A)?

YES

NO

If yes, identify the name(s) or descriptive title(s) of each such separate retirement fund:

3. If a public unit or entity was named in Section (A), do you have custody of any other funds of the public unit or entity named that are not described in Section (C)(1) or Section (C)(2), but are held in trust for others under a written trust agreement or by statute, as provided in 12 C.F.R. Section 330.11.

YES

NO

If yes, identify the name(s) or descriptive title(s) of each such separate trust fund, and describe the persons for whom the funds are held in trust (attach supplemental sheets to identify each such fund):

4. If a public unit or entity was named in Section (A), do you have custody of any funds of the public unit or entity that are commingled with the funds of any other public unit or entity, but that are not held in trust for others?

YES

NO

If yes, identify the name(s) or descriptive title(s) of the commingled fund(s) and name the other public unit(s) or entity(ies) whose funds are commingled with those of the public unit or entity named in Section (A):

D. Identify an official custodian.

1. Identify an official custodian. Generally, an official custodian has plenary authority, including "control" over public funds of a public unit or public entity. "Control" includes the possession of and authority to establish accounts for public funds in banks and to make withdrawals, or disbursements. If the exercise of such authority requires the action or consent of two or more putative official custodians, they are treated as one official custodian with respect to those public funds. An official custodian may be a designated position such as "Treasurer," or the official custodian may be a named person. Reapplication will not be necessary in the future if a particular position is designated the official custodian rather than a named person, unless the position no longer serves as the official custodian.

Only complete one Section below, Position or Person, not both.

If POSITION(S) constitute(s) the official custodian:

\_\_\_\_\_  
Position Title (Print)

\_\_\_\_\_  
(Optional) Additional Position Title (Print)

OR if named PERSON(S) constitute the official custodian:

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
(Optional) Additional Position Title (Print)

2. Signature(s) and Printed Name(s) of each current incumbent of the position listed in Section D(1), or each person whose name and title was named in Section D(1).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Signature

\_\_\_\_\_  
Print or Type Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

3. Mailing address, telephone number and email address of public unit or other entity named in Section (A).

Address:	
City, State, ZIP Code:	
Area Code/Telephone Number:	Email Address:

4. Mailing address, telephone number and email address of official custodian(s) (to be provided only if different from those of public unit or other entity named in Section (A)).

Address:	
City, State, ZIP Code:	
Area Code/Telephone Number:	Email Address:



**COLORADO**

Department of  
Regulatory Agencies

Division of Banking

## **PUBLIC DEPOSIT PROTECTION ACT**

Instructions for Application for Assignment of PDPA  
Number for Public Funds Deposited in Banks

1560 Broadway, Suite 975, Denver, Colorado 80202

**Purpose of Application.** The Colorado Public Deposit Protection Act (PDPA), Section 11-10.5-101, et seq., C.R.S., has as its purpose the preservation and protection of all public funds held on deposit by a bank that are either not insured by or are in excess of the insured limits of Federal Deposit Insurance Corporation (FDIC) insurance, and to ensure the expedited repayment of such funds in the event of default and subsequent liquidation of a bank which holds such deposits. Section 11-10.5-107(5), C.R.S., states, briefly, that the PDPA requires banks in Colorado that are eligible depositories of public funds to pledge eligible collateral having a market value in excess of 102 percent of their aggregate uninsured public deposits to secure uninsured public funds on deposit. Thus, the PDPA provides protection of public deposits beyond FDIC insurance.

In order to achieve the purposes of the Act, PDPA places specific responsibilities on the Colorado State Banking Board (Banking Board), on banks that are eligible public depositories, and on official custodians of public funds.

**Colorado State Banking Board.** The PDPA requires the Banking Board to establish an account numbering system to be used universally by all official custodians of public funds who deposit funds in eligible public depositories. The numbering system designates unique numbers for accounts that are established by each official custodian so that the amount of public funds subject to FDIC insurance and the amount of public funds subject to the collateral requirements of the PDPA may be readily and more accurately determined.

**Official Custodians.** The PDPA requires each official custodian of public funds to apply to the Banking Board for the assignment of PDPA number(s). It is important to each Colorado public unit and entity and to the official custodian thereof, that the required application is submitted to the Banking Board. Failure of an official custodian to secure the required PDPA numbers may result in the inapplicability of the Act's protections to the uninsured public deposits under the control of the official custodian. The PDPA also provides in Section 11-10.5- 111(4)(b), C.R.S., that any official custodian found to have violated the provisions of the PDPA committed a civil infraction and may be removed from office.

The Application by Official Custodian for Assignment of Public Deposit Protection Act (PDPA) Number(s) for Public Funds Deposited in Banks constitutes the PDPA number application required of the official custodian. The official custodian is generally defined in the PDPA, Section 11-10.5-103(9), C.R.S., as a designee, with plenary authority, including "control" over public funds of a public unit or other public entity described in Section 11-10.5- 103(9)(b), C.R.S. "Control" of public funds includes possession as well as the authority to establish accounts for the public funds in banks and to make deposits, withdrawals, or disbursements of the public funds. If the exercise of such authority requires the action or consent of two or more putative official custodians, they are treated as one official custodian with respect to those public funds.

The PDPA imposes other obligations on official custodians; the official custodian may wish to seek advice from the public unit or entity's attorney on these other obligations.

**Eligible Public Depositories.** The PDPA imposes a number of obligations on banks that are eligible public depositories, including use of the PDPA number system that has been developed by the Banking Board. The PDPA imposes various penalties on banks and banking officials for any violation of the PDPA.

## **SELECT DEFINITIONS FROM THE PUBLIC DEPOSIT PROTECTION ACT**

### **Section 11-10.5-103**

(6) "Eligible public depository" means: any bank which has been designated as an eligible public depository by the Banking Board.

(9) "Official custodian" means:

(a) A designee with plenary authority, including control over public funds of a public unit which the official custodian is appointed to serve. For purposes of this paragraph (a), "control" includes possession of public funds, as well as the authority to establish accounts for such public funds in banks and to make deposits, withdrawals, or disbursements of such public funds. If the exercise of plenary authority over the public funds of a public unit requires action by or the consent of two or more putative official custodians, then such official custodian shall be treated as one official custodian with respect to such public funds.

(b) A designee, other than a designee described in paragraph (a) of this subsection (9), with authority, including control, over public funds of an entity, including the state of Colorado; any institution, agency, instrumentality, authority, county, municipality, city and county, school district, special district, or other political subdivision of the state of Colorado, including any institution of higher education; any institution, department, agency, instrumentality, or authority of any of the foregoing, including any county or municipal housing authority; any local government investment pool organized pursuant to part 7 of article 75 of title 24, C.R.S.; any public entity insurance pool organized pursuant to state statute; any public body corporate created or established under the constitution of the state of Colorado or any state statute; and any other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing. For purposes of this paragraph (b), "control" includes possession of public funds, as well as the authority to establish accounts for such public funds in banks and to make deposits, withdrawals, or disbursement of such public funds. If the exercise of authority over such public funds requires action by or the consent of two or more putative official custodians, then such official custodians shall be treated as one official custodian with respect to such public funds.

### **INSTRUCTIONS FOR COMPLETION OF THE APPLICATION**

Due to the legal nature of the requirements set out in the PDPA and in the FDIC laws, the official custodian may wish to obtain the advice of the public unit or entity's attorney in completing the application. The Banking Board does not separately determine whether the applicant is an official custodian or verify the accuracy of the determination of a "public unit" or "public entity." [An incorrect determination by the applicant may affect the adequacy of the amount of collateral that the eligible public depository pledges to secure the public deposits it holds.] Correct completion of the application is dependent upon an understanding of the definitions of various words and requirements appearing in the application, the PDPA, and FDIC laws and regulations.

Complete a separate application for each public unit and each other entity described in Section 11-10.5-103(9)(b), C.R.S., for which the applicant is an official custodian. The following comments relate to specific lettered sections of the application:

- A. Name the public unit or other entity for which the applicant is an official custodian of public funds, and include the statutory citation under which the public unit or entity was formed. The name should be the complete legal name of the entity. A separate application must be filled out for each public unit or other entity for which the applicant serves as an official custodian.
- B. Because the FDIC insures official custodians of public units differently from official custodians of other entities, it is important to know whether the applicant is an official custodian for a public unit. The definition of public unit appears in Section (B) of the application.

1. If the entity named in Section (A) is a public unit, mark "yes" in the appropriate space and check the applicable category of public unit. If the entity is not a public unit, but is an entity described in Section 11- 10.5-103(9)(b), C.R.S., which citation is included with these instructions, mark "no" in the appropriate space and go to Section (B)(2).
2. If the entity named in Section (B) is not a public unit but is an entity described in Section 11-10.5- 103(9) (b), C.R.S., mark the one category listed in Section (B)(2) that most specifically describes the legal status of the named entity. The categories of entities listed in Section (B)(2) are the same as those listed in Section 11-10.5-103(9)(b), C.R.S., excluding the public units listed in that subsection.

If more than one category accurately describes the entity, select and mark the one that most specifically describes the entity.

If the applicant has answered "no" to Section (B)(1) and Section (B)(2), the applicant is not an official custodian under the PDPA and does not need to complete or return this application; the entity named in Section (A) may be a subordinate unit (but not a political subdivision) of the State, or a county or municipality. If so, the applicant is not entitled to a separate number. However, if the applicant has public funds in the applicant's possession, the applicant should contact an attorney for advice on who the official custodian of the funds is. The PDPA number of that official custodian should be used when the funds are deposited in an eligible public depository.

The FDIC provides separate insurance coverage for certain types of public funds held by an official custodian. Sections (C), (D), and (E) describe these types of public funds. Because of the separate FDIC insurance provided, the PDPA numbering system will assign different PDPA numbers to each of these different types of public funds. Thus, the applicant must identify whether any of the public funds under his or her control fall within the described categories. The public unit or entity's attorney may need to assist in making these determinations. Advisory opinions from the FDIC may be of assistance.

- C. C.1. Answer this question only if the applicant has stated in Section (B)(1) that the entity named in Section (A) is a public unit.
- C.2. Answer this question if the entity named in Section (A) is a public unit or an entity.
- C.3. Answer this question if the entity named in Section (A) is a public unit or an entity.
- C.4. Answer this question if the entity named in Section (A) is a public unit or entity.
- D. In completing the "Position/Person" blocks, include the position title, and not the name, if a particular position (such as "Treasurer") constitutes the official custodian. Include both the name and title if a particular named individual constitutes the official custodian. If two or more positions/persons constitute one official custodian as provided in the definition of official custodian described below and in Section 11-10.5-103(9), C.R.S., include the positions or names/titles of all such positions/persons.
  2. Signature(s), Name(s), and Date(s) of each current incumbent of the position listed in Section D(1), or each person whose name and title was named in Section D(1).
  - 3 & 4. Provide mailing and contact information as requested.