

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2020-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADOPTING AN UNCLAIMED PROPERTY (MONEY) POLICY**

WHEREAS, the City of Hughson sometimes has in its possession money belonging to others which is unclaimed—for example, incidental money found by a citizen in a public place and turned over to the City, or utility deposit money held by the City after an account is closed; and

WHEREAS, the City of Hughson City Council desires to establish a policy regarding the retention, return, and processing of unclaimed monies in the possession of the City; and

WHEREAS, it is the intentions of the City of Hughson City Council in establishing this policy to comply fully with the requirements of California law in an effort to efficiently and fairly return funds to their rightful owners.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hughson adopts the Unclaimed Property (Money) Policy (“**Policy**”) attached hereto as Attachment 1 and directs the City Manager to implement the Policy immediately.

PASSED AND ADOPTED, by the City Council of the City of Hughson at its regular meeting held on this 24th day of February 2020 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JERAMY YOUNG, Mayor

ATTEST:

ASHTON GOSE, Deputy City Clerk

UNCLAIMED PROPERTY (MONEY) POLICY

1. SCOPE AND PURPOSE OF POLICY: This Policy applies to money that is not the property of the City of Hughson but in its possession. It is intended to provide rules, in accordance with California law, to govern the retention, return, and processing of such unclaimed monies.

2. APPLICABLE LAW: Generally, California's Unclaimed Property Law (Code of Civil Procedure §§ 1500 et seq.) applies to unclaimed property, and by its application such property may escheat to the State; however, per Code of Civil Procedure § 1502, money in the official custody of a city is excluded from the Unclaimed Property Law, and instead is subject to the provisions of Government Code Sections 50050-50053.

3. MANDATE: The City, as to money not its property but in its possession, will abide by the mandates set forth in Government Code Sections 50050-50053, as amended, and such other laws of the State of California as may be enacted.

4. PROCEDURES:

4.1 Notice.

4.1.1 For all money of a person or business held by the City for three (3) years or more, but excluding money that is restitution to a crime victim, the City will cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the City.

4.1.2 The notice will state: (i) the amount of money, (ii) the name of the owner or the fund or account in which it is held, (iii) information describing how it is the money is in the City's possession, and (iv) that it is proposed the money will become the property of the City on a designated date not less than 45 days nor more than 60 days after the first publication of the notice unless a valid claim is filed by a legitimate owner of the money.

4.2 Claims.

4.2.1 At any time before the money becomes the property of the City (see below), a person or business claiming to be the true owner of the money may file a claim with the City seeking return of his/her/its/their money.

4.2.2. A claim must include the claimant's name, address, telephone number, amount of claim, the utility account number associated with the money (if applicable), and the grounds on which the claim is founded.

4.2.3. The claim must be filed before the date the unclaimed money becomes the property of the City (which date is set forth in the notice—see above).

4.2.4. The City must either accept or reject any filed claim by sending a written notice to the claimant. The City will attempt to provide that written notice within 30 days of its receipt of the filed claim.

4.2.5. If a claim is rejected by the City, and the claimant appeals that determination to a court of competent jurisdiction within Stanislaus County, the City will not release or transfer that portion of unclaimed money for which a court action has been filed until a decision is rendered by the court. To the extent the court determines a claim is invalid, in whole or in part, that portion of the money for which the claim is found to be invalid will become the property of the City.

4.2.6. If a claim is determined to be valid, either by the City or a court, the City will return the money identified in a valid claim to the claimant via a check mailed to the claimant at the address provided in the claim. The City will attempt to return that money within 30 days of the determination whether the claim is valid.

4.3 Unclaimed Money. If, after notice is published as provided in Section 4.1 (above), no claim to the money is filed with the City by the designated date, the money will become the property of the City.

4.4 Transfer to General Fund. When any money become the property of the City as provided in this Policy, the City may transfer the money to its general fund.

5. Special Rules for Small Amounts and Unknown Owners.

Notwithstanding anything in this Policy to the contrary, money of less than fifteen dollars (\$15) or any amount if the owner's or depositor's name is unknown, either of which remains in the possession of the City for one (1) year, may be transferred to the City's general fund without the necessity of publication of a notice as provided in Section 4.1 above.