I. **Purpose, Overview and Scope of this Policy**

This policy is established to provide the proper mechanism to take possession of long standing unclaimed checks in accordance with government statutes and to ensure the propriety of the related accounting transactions.

II. **Authority**

The City Manager has authority to update this policy.

III. **Policy**

Money that is not the property of the City of St. Helena that remains unclaimed for a period of more than three (3) years is the property of the City of St. Helena forty-five (45) days after the initial public notice if not claimed or if no verified complaint is filed and served (California Government Code Sections 50050 and 50051). In the event of any conflict between the provisions of the Government Code and the provisions of this Policy, the provisions of the Government Code shall prevail.

A. **Summary of State Law**

1. Money that is not the property of the City of St. Helena that remains unclaimed for a period of more than three (3) years is the property of the City of St. Helena forty-five (45) days after the initial public notice if not claimed or if no verified complaint is filed and served (California Government Code Sections 50050 and 50051).

2. At any time after the expiration of the three (3) year period, the Treasurer of the City of St. Helena may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the City of St. Helena (California Government Code Section 50050).

3. The notice shall include the following information:
   a. The individual or business name as shown on the issued check.
   b. The amount of the issued check.
   c. The fund in which it is held.
   d. A statement announcing that the money shall become the property of the City of St. Helena on a date that is not less than forty-five (45) days after the publication of the notice – A model template for the notice is attached as Exhibit 1.
4. A party of interest may file a claim at any time until the date on which the money becomes the property of the City as provided in paragraph one (1) above. The claim form must contain the following information:
   a. The claimant’s name, address, and telephone number.
   b. Social Security Number or Federal Employer Identification Number.
   c. Proof of identity such as a copy of a driver’s license, social security card, or birth certificate.
   d. Amount of the claim.
   e. The grounds on which the claim is founded (California Government Code Section 50052).

A model template for the claim form is attached hereto as Exhibit 2.

5. The Treasurer may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the City of St. Helena upon submitting proof satisfactory to the Treasurer (California Government Code Section 50052.5).

6. When the unclaimed funds become the property of the City of St. Helena, the City Council may transfer them by resolution to the General Fund or to the fund(s) upon which the money was originally drawn (California Government Code Section 50053).

7. Any individual item of less than fifteen dollars ($15.00) or any amount, if the depositor’s name is unknown, which remains unclaimed for a period of one (1) year may be transferred to the General Fund by the City Council without the necessity of public notification in a newspaper (California Government Code Section 50055).

8. The responsibilities of the Treasurer may be delegated by the Treasurer to the department that maintains the supporting records of the uncleared checks based on the initial receipt of deposit of that money or both (California Government Code Section 50056).

B. Disbursement and Funds Transfer

The Treasurer of the City of St. Helena will review the Claim Forms and approve or reject the claim.

1. The Treasurer may release the unclaimed money to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, except as otherwise noted in this policy if:
   a. Claim is filed prior to the date the money becomes the property of the City of St. Helena.
   b. Proof substantiating the claim is conveyed in writing, along with all information detailed in item 4 of Section A of this policy.
c. After proper documentation is secured, the Treasurer will authorize the accounts payable staff to issue a new check based upon the approved Claims Form. (California Government Code section 50052.5)

2. Upon rejection of said depositor’s claim by the Treasurer - Exhibit 3, the depositor may file a verified complaint seeking to recover all, or a designated part, of the money in Napa County Superior Court. The City Clerk shall be served a copy of the complaint and summons which must be served within thirty (30) days of receiving notice that the claim was rejected. The Treasurer shall withhold the release of the portion of unclaimed money for which a court action has been filed until a decision is rendered by the court. (California Government Code section 50052)

3. Upon the close of business on the forty-fifth (45) day after publication of the first notice, the unclaimed funds become the property of the City of St. Helena. The City Council may transfer, via resolution, the unclaimed funds to the General Fund or the Fund(s) upon which the original checks were drawn. (California Government Code section 50053)

4. Unclaimed checks of less than fifteen dollars ($15.00) that are more than twelve (12) months old will be transferred to the General Fund by the City Council without the necessity of public notification in a newspaper. (California Government Code section 50055)

C. Accounting Transactions

1. For unclaimed checks, amounts will be transferred to the General Fund unless the Council approves transfer to the Fund upon which they were drawn. In such case the cost of publication will be paid by this Fund.

2. At the time the funds are claimed, once supporting documentation is verified and approved by the Treasurer, Finance will then issue a replacement check to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative.

IV. Definitions

Escheat – The reverting of property to the state or some agency of the state.

V. Attachments

Exhibit 1 – Public Notice
Exhibit 2 – Claim Form
Exhibit 3 – Claim Rejection
The following list of disbursements remain unclaimed by the listed payees and are held by the City of St. Helena. If you have a claim against these funds, please contact the City of St. Helena Finance Department, 1480 Main Street St. Helena, CA 94574, phone (707) 967-2792. Funds older than three years not claimed after 45 days of publication will become property of the City of St. Helena. This notice and its content are in accordance with California Government Code Section 50050. Proper proof of claim and current identification must be provided before funds will be released. A claim form may be obtained at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or from the City’s website: www.cityofsthelena.org

<table>
<thead>
<tr>
<th>Payee</th>
<th>Amount</th>
<th>Fund</th>
</tr>
</thead>
</table>
**CITY OF ST. HELENA**

**UNCLAIMED MONEY – CLAIM FORM**

Return completed form to: City of St. Helena, Finance Department 1480 Main Street, St. Helena, CA 94574. Pursuant to California Government Code Section 50052, I wish to file a claim for a previously unclaimed check in the amount of $______________ that was published in the St. Helena Star on ________________.

The grounds on which I file this claim are:

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

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**Vendor or Individual Name (Printed):**

**Vendor or Individual Name (Signature):**

**Taxpayer I.D. or Social Security Number:**

**Telephone Number:**

**Address:**

**City/State/Zip Code:**

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**For Finance Department Only**

Claim: _____ Approved     _____ Rejected

Reviewed by: ___________________________

If Rejected, reason for Rejection: ______________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Proof of Identity Verified – Check One

| Drivers License | Social Security Card | Birth Certificate |

Verified by:____________________________________ Date:______________
The City of St. Helena has rejected the unclaimed property of:

<table>
<thead>
<tr>
<th>Vendor or Individual Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxpayer I.D. or Social Security Number:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>City/State/Zip Code:</td>
<td></td>
</tr>
</tbody>
</table>

Original Check Date:  
Original Check Amount:  

The grounds on which this claim has been rejected are:

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Under California Government Code Section 50052, you have the right to file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within Napa County. A copy of the complaint and the summons issued thereon must be served within thirty (30) days of receiving this notice of rejection. Upon being served, the Treasurer will withhold the disputed amount from being released until a decision is rendered by the court.

April Mitts  
Finance Director
CITY OF ST. HELENA

RESOLUTION NO. 2016-170

RESOLUTION APPROVING ADMINISTRATIVE POLICY P-FI-0006 ESTABLISHING AN ESCHEAT POLICY FOR UNCLAIMED MONEY AND REPEALING AND RESCINDING ANY PREVIOUS POLICIES OR ADMINISTRATIVE MEMORANDA WHICH ARE INCONSISTENT WITH ADMINISTRATIVE POLICY P-FI-0006 ESCHEAT POLICY FOR UNCLAIMED MONEY POLICY

RECITALS

A. The City of St. Helena recognizes that from time to time checks issued by the City will remain un-cashed despite efforts made by City staff to make contact with the payees and re-issue checks; and

B. Sections 50050-50056 of the Government Code of the State of California provide procedures for escheating un-cashed checks to the local agency if over one year old and less than $15.00 or over three years old and more than $15.00 following publication in the local newspaper; and

C. The City Council desires to adopt a Policy for the handling of un-cashed checks in accordance with Sections 50050-50056 of the Government Code of the State of California; and

D. To avoid any inconsistencies with policy application, it is necessary to repeal and rescind any previous policies and procedures which conflict with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows:

1. Fiscal Policies – Escheat Policy for Unclaimed Money incorporated herein as Exhibit A is hereby approved by the City Council.

2. The City hereby repeals and rescinds any previous policies or administrative memoranda which are inconsistent with Finance Policy P-FI-0006 Escheat Policy for Unclaimed Money.

Approved at a Regular Meeting of the St. Helena City Council on December 13, 2016, by the following vote:
Mayor Galbraith: Yes
Vice Mayor White: Yes
Councilmember Crull: Yes
Councilmember Dohring: Yes
Councilmember Pitts: Yes

APPROVED:  

[Signature]
Alan Galbraith, Mayor

ATTEST:

[Signature]
Cindy Black, City Clerk