



WESTMINSTER
COLORADO

CITY COUNCIL MEETING
MARCH 17, 2025 at 7:00 PM

- A First Reading of Councillor's Bill No. 2 Amending Section 1-29-3 of the Westminster Municipal Code Regarding Unclaimed Intangible Property



Agenda Memorandum

Agenda Item – 11.A.

City Council Meeting
March 17, 2025



Strategic Priority 4: Economic Vitality

Promote and support a resilient economy that attracts and retains a diversity of businesses, workers, and industries, expands living wage jobs, and diversifies the City's tax base.

Subject: First Reading of Councillor's Bill No. 2 Amending Section 1-29-3 of the Westminster Municipal Code Regarding Unclaimed Intangible Property

Prepared By: Mathew Munch, Assistant City Attorney II
Greg Graham, Deputy City Attorney

Recommended City Council Action:

Pass Councillor's Bill No. 2 on first reading approving the proposed amendments to Section 1-29-3 of the Westminster Municipal Code regarding Unclaimed Intangible Property.

Summary Statement:

The Westminster Municipal Code (W.M.C.) and Colorado Revised Statutes (C.R.S.) are not in alignment with respect to the length of time a municipality – here, the City – must provide notice before unclaimed intangible property, typically in the form of money or its equivalent, forfeits to the City. This Ordinance would align the notice period in the W.M.C. with that of State statute and would set the minimum value of such property at \$25 before notice would be required.

Fiscal Impact:

\$0 in expenditures

Source of Funds:

Not applicable

Policy Issue(s):

Should City Council pass Councillor's Bill No. 2 amending section 1-29-3 of the W.M.C. regarding unclaimed intangible property to align with the State statute?

Alternative(s):

City Council could choose not to pass Councillor's Bill No. 2. This is not recommended because consistency between the W.M.C. and State statute regarding the notice period and minimum value of unclaimed intangible property required for such notice would eliminate potential confusion among staff and the public and would not require any additional City resources.

Background Information:

Section 1-29-3 of the W.M.C., currently provides for the forfeiture of unclaimed intangible property to the City if such property is not claimed within 60 days after written notice from the City. Section 38-13-1504 of C.R.S., requires that unclaimed intangible property may only forfeit to a municipality after a five-year notice period.

Unclaimed intangible property of the sort governed by section 1-29-3, W.M.C., and section 38-13-1504, C.R.S., does not represent a significant amount of funds becoming City property. Extending the notice period and, accordingly, the claim period, would increase the opportunity for such property to be returned to its rightful owners and would merely delay the forfeiture of a relatively insignificant amount of such property by the City. Furthermore, extending the claim period would eliminate potential confusion among staff and the public and would not require any additional City resources.

This ordinance also brings the City's procedures for unclaimed intangible property in line with State procedures by setting the threshold for notice at \$25.

Aligning the W.M.C. with State statute by providing a five-year notice period and setting a \$25 threshold for such notice supports the City's Strategic Priority of Economic Vitality by building support for residents and businesses by increasing the time for the owners of unclaimed intangible property to recover such property and eliminate potential confusion and expense to taxpayers.

Respectfully submitted,



Jody L. Andrews
City Manager

Attachments:

Councillor's Bill No. 2 Amending Section 1-29-3 of the W.M.C. Regarding Unclaimed Intangible Property



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BY AUTHORITY

ORDINANCE NO. **4278**

COUNCILLOR'S BILL NO. **2**

SERIES OF 2025

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTION 1-29-3 OF THE WESTMINSTER MUNICIPAL
CODE REGARDING UNCLAIMED INTANGIBLE PROPERTY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-29-3 W.M.C., is hereby AMENDED to read as follows:

1-29-3. - Disposition of Unclaimed Intangible Property.

(A) Prior to the disposition of any unclaimed intangible property with a value of \$25.00 or more, the Finance Director shall send a written notice by first class mail to the owner's last known address. The notice shall include a description of the property, the amount or value of the property and the purpose for which the property was deposited or otherwise held. The notice shall explain how the owner may inquire about or claim the property, and shall state that, if the owner fails to provide the City with a written claim for the return of the property within ~~60 days~~ five (5) years of the date of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(B) When the notice provided for in subsection (A) of this section is returned undelivered, or when a last known address of the owner cannot be determined, and the unclaimed intangible property has a value of ~~more than \$20.00~~ \$25.00 or more, the notice shall be published in a newspaper of general circulation within the City.

(C) If the City receives no written claim to the property within the ~~60 days~~ five (5) year claim period, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(D) If the City receives a written claim within the ~~60 days~~ five (5) year claim period, the City shall evaluate the claim and give written notice to the claimant within 60 days thereof that the claim has been accepted or denied in whole or in part. The City may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(E) In the event that there is more than one claimant for the same property, the Finance Director may resolve said claims or may deposit the disputed property with the registry of the district court in an interpleader action.

(F) In the event that all claims filed are denied, the property shall become the sole property of the City, and any claim of the owner of such property shall be deemed forfeited.

(G) Any legal action challenging a decision of the Finance Director shall be filed pursuant to rule 106 of the Colorado Rules of Civil Procedure within 30 days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed pursuant to the final order of the court having jurisdiction over the claim.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 17th day of March, 2025.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 31st day of March, 2025.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

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