1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov

Main: (707) 253-4580

Napa County

Board Agenda Letter

Board of Supervisors **Agenda Date:** 12/6/2022 **File ID #:** 22-266

TO: Board of Supervisors

FROM: Robert Minahen, Treasurer-Tax Collector

REPORT BY: Robert Minahen, Treasurer-Tax Collector

SUBJECT: Approval of Policy Regarding Submission of Claims for Excess Proceeds

RECOMMENDATION

Treasurer-Tax Collector requests adoption of a Resolution adopting the "County of Napa Policy Regarding the Submission of Claims for Excess Proceeds" and delegating authority to distribute excess proceeds to the Treasurer-Tax Collector.

EXECUTIVE SUMMARY

The Napa County Treasurer-Tax Collector (TTC) must occasionally sell tax-defaulted property in order to satisfy outstanding taxes and assessments. When a property is sold by the TTC at tax sale there may be excess proceeds from the sales, which are proceeds in excess of taxes, assessments and costs pursuant to California Revenue and Taxation Code (R&T Code) Sections 4672, 4672.1, 4672.2, 4672.3, and 4673 are deducted.

This item would delegate the Board of Supervisors' responsibilities and authority to review and distribute excess proceeds, as set forth in California R&T Code Section 4675, to the TTC pursuant to California R&T Code Section 4675.1.

The TTC, in coordination with County Counsel, has developed the "County of Napa Policy Regarding the Submission of Claims for Excess Proceeds", the purpose of which is to clearly define the process and requirements for claims for excess proceeds filed by parties of interest as defined by California R&T Code section 4675. Where a claim for excess proceeds is not covered by the policy, the resolution authorizes the TTC to determine the information and proof necessary to determine a claimant's right to any portion of the excess proceeds, as allowed by California R&T Code section 4675.1.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	N/A
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Board of Supervisors will maintain the responsibility to determine the distribution of excess proceeds to parties of interest and the County will continue to have no formal policy regarding the distribution of such funds.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	The Board of Supervisors will maintain the responsibility to determine the distribution of excess proceeds to parties of interest and the County will continue to have no formal policy regarding the distribution of such funds.
County Strategic Plan pillar addressed:	Effective and Open Government

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: N/A

BACKGROUND AND DISCUSSION

The Napa County Treasurer-Tax Collector (TTC) must occasionally sell tax-defaulted property in order to satisfy outstanding taxes and assessments. When a property is sold by the TTC at tax sale there may be excess proceeds from the sales, which are proceeds in excess of taxes, assessments and costs pursuant to California Revenue and Taxation Code (R&T Code) Sections 4672, 4672.1, 4672.2, 4672.3, and 4673.

California R&T Code Section 4675 states claims for excess proceeds shall contain any information and proof as required by the Board of Supervisors to establish the claimant's rights. The section further requires the Board of Supervisors to distribute all excess proceeds to parties of interest based on an order of standing. Further, California R&T Code Section 4675.1 allows the Board of Supervisors to authorize, by resolution, any county officers to perform on its behalf any act required or authorized to be performed by the Board of Supervisors under Section 4675.

The TTC, in coordination with County Counsel, has developed the "County of Napa Policy Regarding the Submission of Claims for Excess Proceeds", the purpose of which is to clearly define the process and requirements for claims for excess proceeds filed by parties of interest as defined by California R&T Code Section 4675. Where a claim for excess proceeds is not covered by the policy, the resolution authorizes the TTC to determine the information and proof necessary to determine a claimant's right to any portion of the excess proceeds, as allowed by California R&T Code Section 4675.1.

Adoption of the resolution will delegate the Board of Supervisors' authority to distribute excess proceeds to the TTC and create a formal policy by which all claims shall be processed and reviewed.