

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 10, 2014 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: Review and Approve Request to County Auditor-Controller/Treasurer/Tax Collector to Collect Outstanding City and/or District Apportionment Amount from First Proceeds of Property Tax Revenues for Fiscal Year 2014-15

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Request the County Auditor-Controller/Treasurer/Tax Collector to collect the outstanding city apportionment amount due to LAFCO for Fiscal Year 2014-15.
2. Determine the method for collection of the outstanding apportionments pursuant to Government Code Section 56381 is collection from the first proceeds of property tax owed to the agency, which shall include recovery of expenses incurred by the Commission and the County Auditor-Controller/Treasurer/Tax Collector in collection of the outstanding payments.
3. Direct the Executive Officer to submit the collection request to the County Auditor-Controller/Treasurer/Tax Collector.

BACKGROUND:

At the May hearing, the Commission adopted the FY 2014-15 budget and directed the Executive Officer to request the County Auditor-Controller/Treasurer/Tax Collector ("County Auditor") to apportion the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381(b). The County Auditor invoiced the agencies on July 1 with payment due by September 1. To date, the County Auditor has not received payment from the City of Adelanto in the amount of \$1,974.42.

Section 56381(c) states that if an agency does not remit its payment by the September 1 due date, the Commission may determine an appropriate method for collecting the required

payment, including a request to the county auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the county, city, or district. Additionally, the section reads that any expenses incurred by the Commission or auditor in collection of the outstanding payments shall be added to the payment owed.

The agreement between LAFCO, the County of San Bernardino, and County Auditor approved by the Commission in November 2009, outlines obligations of each party in the collection process. For the Commission, it is required to annually provide written evidence of Commission action/approval of the request and selection of the method for collecting payment. LAFCO staff recommends that the Commission direct the County Auditor to collect the equivalent amount from the first proceeds of property taxes for the City of Adelanto in the amount of \$1,974.42.

KRM/MT