

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 7, 2010
FROM: MICHAEL TUERPE, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item 6: Consideration of Request to County Auditor/Controller-Recorder/Treasurer/Tax Collector to Collect Outstanding City and/or District Apportionment Amounts from First Proceeds of Property Tax Revenues for Fiscal Year 2010-11

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

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

BACKGROUND:

At the May hearing, the Commission adopted the FY 2010-11 budget and directed the Executive Officer to request the County Auditor/Controller-Recorder/Treasurer/Tax Collector to apportion the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381(b). The Auditor invoiced the agencies on July 1 with payment due by September 1. To date, the Auditor has not received payment from the Baker Community Services District for \$892.04.

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 of collecting the required payment, including a request to the 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-Controller/Recorder 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.

Staff recommends that the Commission:

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

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Attachment: Government Code Section 56381(b) and (c)