

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: SEPTEMBER 21, 2011 
FROM: MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item 5: Consideration of Request to County Auditor-Controller/Treasurer/Tax Collector to Collect Outstanding City and/or District Apportionment Amounts from First Proceeds of Property Tax Revenues for Fiscal Year 2011-12

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Request the County Auditor-Controller/Treasurer/Tax Collector to collect the outstanding district apportionment amount due to LAFCO for Fiscal Year 2011-12.
2. Determine the method for collection of the outstanding apportionments pursuant to Government Code Section 56381 is collection of the apportionment amounts from the property tax owed to the agency, and 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 June hearing, the Commission adopted the FY 2011-12 budget and directed the Executive Officer to request the County Auditor-Controller/Treasurer/Tax Collector ("ATC") to apportion the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381(b). The ATC invoiced the agencies on July 1 with payment due by September 1. To date, the ATC has not received payment from the Baker Community Services District for \$277.23.

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 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-Controller 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/Treasurer/Tax Collector to collect the outstanding district apportionment amount due to LAFCO.
2. Determine the method for collection of the outstanding apportionments pursuant to Government Code Section 56381 is collection of the apportionment amounts from the property tax owed to the agency, and 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.

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