



Mendocino County

Legislation Text

File #: 24-0248, Version: 1

To: BOARD OF SUPERVISORS

From: Auditor-Controller Treasurer-Tax Collector

Meeting Date: February 27, 2024

Department Contact: Sara Pierce

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Department Contact: Cheyanne Gordon

Phone: 707-234-6875

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of Retroactive Memorandum of Understanding Between the County of Mendocino and State of California Franchise Tax Board for the Collection of Court-Ordered Debt, through November 30, 2026

Recommended Action/Motion:

Approve retroactive Memorandum of Understanding between the County of Mendocino and State of California Franchise Tax Board for the collection of court-ordered debt, through November 30, 2026; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

Resolution 97-001 was adopted entering into the original agreement between the County and the State Franchise Tax Board to collect court-ordered debts. The agreement has been executed every three years since implementation and was last executed on August 17, 2021 as BOS Agreement 14-118-A2.

Summary of Request:

The Court Collection Department, operating under the office of the Auditor-Controller/Treasurer-Tax Collector, is responsible for the collection of installment payment plans on delinquent court-ordered debt for qualifying accounts for fines, fees, and restitution for infraction, misdemeanor, and felony cases. After local collection efforts are exhausted the department refers delinquent cases to Franchise Tax Board (FTB) for collection action such as demand notices, bank levies, and wage garnishments. Cost for the program is recovered by the retention of fine revenue as authorized by Penal Code 1463.007 enhanced collection program. The cost of the FTB program is set by Revenue Taxation Code section 19280 through 19283; specifically, FTB may only charge actual collection costs not to exceed 15% of the amount collected. If FTB actual costs do not reach 15%, FTB provides a reimbursement of expenses charged to the County thereby reducing expenses of the program.

This agreement is retroactive as the contract was received from the FTB in early February 2024.

Alternative Action/Motion:

Do not contract and provide alternate direction.

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: All

Vote Requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: General Fund

current f/y cost: \$7,000

budget clarification: N/A

annual recurring cost: 15% cap of revenue collected

budgeted in current f/y (if no, please describe): Yes

revenue agreement: Yes

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO Liaison: Darcie Antle, CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Date: February 27, 2024

Final Status: **Approved**

Executed Item Type: Agreement

Number: 24-027

