



Mendocino County

Legislation Text

File #: 24-0655, Version: 1

To: BOARD OF SUPERVISORS

From: Auditor-Controller Treasurer-Tax Collector

Meeting Date: June 25, 2024

Department Contact: Sara Pierce

Phone: 707-513-0470

Department Contact: Cheyanne Gordon

Phone: 707-234-6842

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval to Discharge from Accountability for the Attached List of Cases Comprised of Delinquent Fines, Penalties, Fees and Assessments Determined to be Non-Collectible Due to Age of Debt, Debtor Inability to Pay, or Lack of Information Available to Locate Debtor and Where the Cost of Recovery Exceeds That of Collection

Recommended Action/Motion:

Approve the discharge of accountability for the attached list of cases comprise of delinquent fines, fees, penalties, and assessments determined to be non-collectible due to age of debt, debtor inability to pay, or lack of identifying information to locate debtor and where the cost of recovery exceeds that of collection.

Previous Board/Board Committee Actions:

The board approved a request for discharge of outstanding receivables on June 21, 2022.

Summary of Request:

Government Code section 25257 authorizes any employee charged with the collection of fines or fees to apply to the Board of Supervisors for a discharge from accountability any debt that the cost of recovery exceeds that of collection. Attached is a list of cases with debt 10 years in age or determined to be non-collectible. Debt is determined to be non-collectible if the debtor is deceased, lives out of country, has a higher tax liability, is incarcerated in California Department of Corrections and Rehabilitation, if debtor identifying information is missing in order to effect collection action, or if all available collection efforts have been utilized and proven unsuccessful. Collection efforts include: collection notices; phone calls; installment payment agreements; referral to Franchise Tax Board for wage garnishments or bank levies; intercept of a California tax refund, lottery winnings, or unclaimed property; referral to a private collection agency; abstract of judgments; claims in Probate cases; and/or, claims against excess proceeds in tax sales. These efforts have been exhausted prior to requesting discharge of accountability and have proven unsuccessful in the collection of this outstanding debt. Any further billing or collection action does not warrant the expense involved.

Other debt included in the report as non-collectible, are fees separately identified as being written off due to Assembly Bill 1869. As part of AB 1869, Government Code 6111 and Penal Code 1465.9, specify these fees no longer legally enforceable as of July 1, 2021. In addition, AB 177 further identified local collection fees to no longer legally enforceable as of January 1, 2022. In addition, AB 199 made changes to the imposition of civil assessments by amending Penal Code section 1214.1. This legislation required courts to vacate any civil

assessments imposed prior to July 1, 2022, and made any amounts owed prior to this date uncollectable.

The requesting department verifies the information contained in the attached reports is true and correct based on information and belief. Government Code section 25259 authorizes the Board of Supervisors to make an order discharging the department from accountability and write off the debt.

The overall total amount requested for discharge covers the period of June 4, 2022, through June 4, 2024, and totals \$8,991,612.12.

Alternative Action/Motion:

Do not approve the discharge of debt and direct staff to continue to pursue this delinquent debt.

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: All

Vote Requirement: Majority

Supplemental Information Available Online At:

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

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

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Final Status: **Approved**

Date: June 25, 2024

