SHASTA COUNTY

Audit Report

APPORTIONMENT AND ALLOCATION OF PROPERTY TAX REVENUES

July 1, 2016, through June 30, 2023

MALIA M. COHEN
California State Controller

April 2024

MALIA M. COHEN
CALIFORNIA STATE CONTROLLER

April 2, 2024

Nolda Short, Auditor-Controller
Shasta County
1450 Court Street, Suite 238
Redding, CA 96001

Dear Ms. Short:

The State Controller's Office audited Shasta County's process for apportioning and allocating property tax revenues for the period of July 1, 2016, through June 30, 2023. We conducted the audit pursuant to the requirements of Government Code section 12468.

Our audit found instances of noncompliance with California statutes for the apportionment and allocation of property tax revenues for the audit period. Specifically, we determined that the county incorrectly calculated the:

- Unitary and operating nonunitary apportionment and allocation factors;
- Educational Revenue Augmentation Fund shift; and
- Vehicle license fee shift.

If you have any questions, please contact Lisa Kurokawa, Chief, Compliance Audits Bureau, by telephone at (916) 327-3138.

Sincerely,

Original signed by

KIMBERLY TARVIN, CPA
Chief, Division of Audits

KT/ac

Attachment

cc: Debra Edwards, Chief Deputy Auditor
Shasta County
Kevin W. Crye, Chair
Shasta County Board of Supervisors
Chris Hill, Principal Program Budget Analyst
Local Government Unit
California Department of Finance

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Audit Report

Summary

The State Controller's Office (SCO) audited Shasta County's process for apportioning and allocating property tax revenues to determine whether the county complied with California statutes for the period of July 1, 2016, through June 30, 2023.

Our audit found instances of noncompliance with California statutes for the apportionment and allocation of property tax revenues for the audit period. Specifically, we determined that the county incorrectly calculated the:

- Unitary operating and nonunitary apportionment and allocation (unitary) factors;
- Educational Revenue Augmentation Fund (ERAF) shift; and
- Vehicle license fee (VLF) shift.

Background

After the passage of Proposition 13 in 1978, the California State Legislature (Legislature) enacted new methods for apportioning and allocating property tax revenues to local government agencies, school districts, and community college districts. The main objective was to provide these agencies and districts with a property tax base that would grow as assessed property values increased. The method has been further refined in subsequent laws passed by the Legislature.

One key law was Assembly Bill 8, Chapter 282, Statutes of 1979, which established the method of allocating property taxes for fiscal year (FY) 1979-80 and subsequent fiscal years. The methodology is commonly referred to as the "AB 8 process."

Property tax revenues are apportioned and allocated to local government agencies, school districts, and community college districts using prescribed formulas and methods defined in the Revenue and Taxation Code. In general, the amount that an agency or district receives is based on the amount received in the prior year plus a share of the property tax growth within its boundaries.

The AB 8 process involves several steps, including the transfer of revenues from school and community college districts to local government agencies and the development of the tax rate area (TRA) annual tax increment (ATI) apportionment factors, which determine the amount of property tax revenues to be allocated to each jurisdiction.

The total amount to be allocated to each jurisdiction is then divided by the total amount to be allocated to all entities to determine the AB 8 factor for each entity for the year. The AB 8 factors are computed each year for all entities using the revenue amounts established in the prior year. These amounts are adjusted for growth annually using ATI apportionment factors.

Subsequent legislation removed from the AB 8 process revenues generated by unitary and operating nonunitary properties, pipelines, regulated railway companies, and qualified electric (QE) properties. These revenues are now apportioned and allocated under separate processes.

Other legislation established an ERAF in each county. Most local government agencies are required to transfer a portion of their property tax revenues to the fund. The fund is subsequently apportioned and allocated to school and community college districts by the county auditor according to instructions received from the county superintendent of schools or the chancellor of the California community colleges.

Taxable property includes land, improvements, and other properties that are accounted for on the property tax rolls, which are primarily maintained by the county assessor. Tax rolls contain an entry for each parcel of land, including parcel number, owner's name, and value. The types of property tax rolls are:

- *Secured Roll*—Property that, in the opinion of the assessor, has sufficient value to guarantee payment of the tax levies and that, if the taxes are unpaid, the obligation can be satisfied by the sale of the property by the tax collector.

- *Unsecured Roll*—Property that, in the opinion of the assessor, does not have sufficient permanence or other intrinsic qualities to guarantee payment of taxes levied against it.

- *State-Assessed Roll*—Utility properties composed of unitary and operating nonunitary value assessed by the California State Board of Equalization (BOE).

- *Supplemental Roll*—Property that has been reassessed due to a change in ownership or the completion of new construction, where the resulting change in assessed value is not reflected in other tax rolls.

To mitigate problems associated with the apportionment and allocation of property tax revenues, Senate Bill 418, which requires the SCO to audit the counties' apportionment and allocation methods and report the results to the Legislature, was enacted in 1985.

Apportionment and allocation of property tax revenues can result in revenues to an agency or agencies being overstated, understated, or misstated. Misstated revenues occur when at least one taxing agency receives more revenue than it was entitled to, while at least one taxing agency receives less revenue than it was entitled to.

The agency that received less tax revenue than its statutory entitlement would have standing to require that adjustments be made by the county, either on a retroactive or prospective basis. The SCO does not have enforcement authority or standing to require the county to take corrective action with respect to misallocation of tax revenues, unless the misallocation resulted in overpaid state funds (funds intended for the ERAF, school districts, or community college districts). The SCO has authority to recover misallocations resulting in overpaid state funds pursuant to Government Code (GC) sections 12410, 12418, and 12419.5.

GC section 12410 provides the SCO with broad authority to "superintend the fiscal concerns of the state." GC section 12418 provides the SCO with the authority to "direct and superintend the collection of all money due the State, and institute suits in its name" against all debtors of the State. GC section 12419.5 provides the SCO with the authority to offset any amounts due the State against any amounts owed to the debtor by the State.

Revenue and Taxation Code (RTC) section 96.1(b) allows a reallocation of current audit findings and unresolved prior audit findings.

RTC section 96.1(c)(3) limits a cumulative reallocation or adjustment to one percent of the total amount levied at a one-percent rate of the current year's original secured tax roll. For reallocation to the ERAF, school districts, or community college districts, a reallocation must be completed in equal increments within the following three fiscal years, or as negotiated with the SCO.

Audit Authority

We conducted this audit under the authority of GC section 12468, which authorizes the SCO to audit the apportionment and allocation of property tax revenues on a one-, three-, or five-year cycle, depending on the county's population. The audit results are reported annually to the Legislature along with any recommendations for corrective action.

Objective, Scope, and Methodology

Our audit objective was to determine whether the county complied with Revenue and Taxation Code, Health and Safety Code, and Government Code requirements pertaining to the apportionment and allocation of property tax revenues.

A property tax bill contains the property tax levied at a one percent tax rate pursuant to the requirement of Proposition 13. A tax bill may also contain special taxes, debt service levies on voter-approved debt, fees, and assessments levied by the county or a city. The scope of our audit was the distribution of the one percent tax levy. Special taxes, debt service levies on voter-approved debt, fees, and assessments levied by the county or a city are beyond the scope of our audit and were not reviewed or audited.

The audit period was July 1, 2016, through June 30, 2023.

To achieve our objective, we performed the following procedures:

- We gained an understanding of the county's process for apportioning and allocating property tax revenues by interviewing key personnel.
- We reviewed the county's written procedures for apportioning and allocating property tax revenues.
- We reviewed documents supporting the transaction flow for apportioning and allocating property tax revenues.
- We assessed the reliability of data from the property tax system by interviewing county staff members knowledgeable about the system, tracing transactions through the system, and recalculating data produced by the system. We determined that the data was sufficiently reliable for purposes of this report.

- We judgmentally selected a non-statistical sample of five from approximately 85 taxing jurisdictions within the county for all fiscal years in the audit period.

  The actual number of taxing jurisdictions can vary from year to year based on jurisdictional changes. The five sampled taxing jurisdictions include a special district, a school district, a city, the county, and the ERAF. We selected only one of each type of local agency because when the apportionment and allocation for one jurisdiction is incorrect, the error affects every other taxing jurisdiction.

  We tested the sampled jurisdictions as follows:

  - We tested apportionment and allocation reports to verify computations used to develop property tax apportionment factors.
  - We tested TRA reports to verify that the correct TRA factors were used in the computation of the ATI.
  - We reviewed supplemental property tax administrative costs and fees to determine whether recovery costs associated with administering supplemental taxes were based on actual costs and did not exceed five percent of revenues collected, as prescribed in statute.
  - We verified computations used to develop supplemental property tax apportionment factors.
  - We verified unitary and operating nonunitary, unitary regulated railway, and QE property computations used to develop apportionment factors.
  - We reviewed Redevelopment Property Tax Trust Fund deposits.
  - We reviewed property tax administrative cost reports and recomputed administrative costs associated with work performed for apportioning and allocating property tax revenues to local government agencies, school districts, and community college districts.
  - We reviewed ERAF reports and verified computations used to determine the shift of property taxes from local government agencies to the ERAF and, subsequently, to school and community college districts.
  - We verified the VLF computations used to determine the amount transferred from the ERAF to counties and cities to compensate for the diversion of these revenues.
  - We reviewed BOE jurisdictional change filing logs and their impact on the tax apportionment and allocation system.

  Errors found were not projected to the intended (total) population.

We did not audit the county's financial statements.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Conclusion

Our audit found that the county did not comply with California statutes for the apportionment and allocation of property tax revenues for the audit period, as it incorrectly calculated the:

- Unitary factors;
- ERAF shift; and
- VLF shift.

These instances of noncompliance are described in the Findings and Recommendations section.

Follow-up on Prior Audit Findings

The county has satisfactorily resolved the findings noted in our prior audit report, for the period of July 1, 2010, through June 30, 2016, issued on February 15, 2017.

Views of Responsible Officials

We issued a draft audit report on February 2, 2024. Shasta County's representative responded by letter dated February 8, 2024, agreeing with the audit results. This final audit report includes the county's response as an Attachment.

Restricted Use

This audit report is solely for the information and use of Shasta County, the Legislature, the California Department of Finance, and the SCO; it is not intended to be, and should not be, used by anyone other than these specified parties. This restriction is not intended to limit distribution of this audit report, which is a matter of public record and is available on the SCO website at www.sco.ca.gov.

Original signed by

KIMBERLY TARVIN, CPA
Chief, Division of Audits

April 2, 2024

Findings and Recommendations

FINDING 1— Unitary and operating nonunitary apportionment and allocation

During our testing of the unitary and operating nonunitary apportionment and allocation process, we found that the county incorrectly calculated the unitary factors for the following reasons:

- For FY 2016-17, and FY 2020-21 through FY 2022-23, the county used prior-year gross revenues with the redevelopment agency adjustment instead of using the prior-year AB 8 factors modified to exclude ERAF for the excess of 102% calculation.
- For FY 2017-18 through FY 2018-19, the county used current-year gross revenues with the redevelopment agency adjustment instead of using the prior-year AB 8 factors modified to exclude ERAF for the excess of 102% calculation.

The error resulted in a misallocation of property tax revenues to all taxing jurisdictions in the county.

We could not quantify the monetary impact due to the cumulative effect of the various errors affecting the computation and allocation. The errors occurred because the county incorrectly implemented the applicable statute.

RTC section 100 provides the legal requirements for apportioning and allocating the unitary and operating nonunitary property tax revenues.

In FY 1988-89, the Legislature established a separate system for apportioning and allocating the unitary and operating nonunitary property tax revenues. The system created the unitary and operating nonunitary base year, and developed formulas to compute the distribution factors for the fiscal years that followed.

RTC section 723 defines unitary properties as those properties "that are operated as a unit in the primary function of the assessee" (i.e., public utilities, railroads, or QE properties) and on which BOE "may use the principle of unit valuation." RTC section 723.1 defines operating nonunitary properties as properties "that the assessee and its regulatory agency consider to be operating as a unit," but BOE considers "not part of the unit in the primary function of the assessee."

<u>Recommendation</u>

We recommended that the county:

- Review RTC sections 100(c) and 100.01, and update its procedures;
- Recalculate the unitary factors for FY 2016-17 through FY 2022-23; and
- Make monetary adjustments to all affected jurisdictions if the amounts are material.

County's Response

> We concur with the audit findings and all corrections were made to unitary and operating nonunitary factors as recommended. The worksheet and policies and procedures have been updated to ensure that future years are calculated correctly. The difference in the factors was immaterial, so no adjustment will be made to prior apportionments.

FINDING 2— Educational Revenue Augmentation Fund adjustments

During our testing of ERAF adjustments, we found that the county incorrectly calculated the ERAF shift for the following reasons:

- For FY 2018-19 through FY 2022-23, the county did not adjust Pine Grove Cemetery District's ERAF shift amount for growth after the consolidation of Fall River Mills Cemetery District into Pine Grove Cemetery District under BOE File Number 2018-004.
- For FY 2019-20 and FY 2021-22, the county used incorrect current-year gross revenues.
- For FY 2022-23, the county used an incorrect redevelopment agency increment amount that included aircraft revenue.

The error resulted in a misallocation of property tax revenues to all taxing jurisdictions in the county.

We could not quantify the monetary impact due to the cumulative effect of the various errors affecting the computation and allocation. The errors occurred because the county incorrectly implemented the applicable statute.

RTC sections 96.1 through 96.5 and 97 through 97.3 provide the legal requirements for calculating the ERAF shift.

In FY 1992-93 and FY 1993-94, some local agencies were required to shift an amount of property tax revenues to the ERAF using formulas detailed in the Revenue and Taxation Code. The ERAF shift amount has been adjusted for growth every year since FY 1993-94.

Recommendation

We recommended that the county:

- Review RTC section 97.2 and update its procedures;
- Recalculate the ERAF shift for FY 2018-19 through FY 2022-23; and
- Make monetary adjustments to all affected jurisdictions if the amounts are material.

County's Response

> We concur with the audit findings and all corrections have been made to ERAF shift as recommended. Factors were recalculated and found to be immaterial so no adjustment to prior apportionments will be made. Amounts for [the FY 2023-24 AB 8 factor] have been updated and will be used going forward for apportionments. Polices and procedures have

> been updated to ensure exclusion of aircraft revenue going forward based on clarification from the State Controller in 2023.

FINDING 3—Vehicle license fee adjustments

During our testing of VLF adjustments, we found that the county incorrectly calculated the VLF shift for the following reasons:

- For FY 2018-19, the county used incorrect assessed values for its general fund and the City of Redding.
- For FY 2018-19 and FY 2020-21, the county did not adjust the assessed values for the City of Anderson's Deschutes reorganization under BOE File Number 2018-001 or the City of Redding's Westridge, Greenview, McCullough, and Campo Calle annexation under BOE File Number 2020-001.
- For FY 2020-21 through FY 2022-23, the county did not include utility assessed values when it calculated the assessed values for its general fund and the City of Redding.

The errors resulted in a misallocation of property tax revenues to all taxing jurisdictions in the county.

We could not quantify the monetary impact due to the cumulative effect of the various errors affecting the computation and allocation. The errors occurred because the county incorrectly implemented the applicable statute.

RTC section 97.70 provides the legal requirements for VLF adjustments.

The VLF permanently provided additional property tax revenues to counties and cities in lieu of the discretionary VLF revenues that these agencies previously received.

Recommendation

We recommend that the county:

- Review RTC sections 97.70 and update its procedures;
- Recalculate VLF adjustments for FY 2018-19 through FY 2022-23; and
- Make monetary adjustments to the ERAF, the county's general fund, and cities.

County's Response

> We concur with the audit findings and all corrections were made to VLF as recommended. An adjustment journal entry will be posted in February 2024 to correct ERAF and allocation amounts to the County General Fund and the Cities. Policies and procedures have been updated to ensure that any future annexation adjustments flow through to the VLF swap spreadsheet and to ensure that utility assessed values are included.

Appendix— Summary of Prior Audit Findings

The following table shows the implementation status of Shasta County's corrective actions related to the findings contained in our prior audit report dated February 15, 2017:

Prior Audit Finding Number	Prior Audit Finding Title	Implementation Status
1	Annual tax increment apportionment factors	Fully implemented
2	Jurisdictional changes	Fully implemented

Attachment—
County's Response to Draft Audit Report

SHASTA COUNTY

OFFICE OF THE AUDITOR-CONTROLLER

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Redding, California 96001
Phone (530) 225-5771

NOLDA SHORT
AUDITOR-CONTROLLER

RICHARD VIETHEER
ASST. AUDITOR-CONTROLLER

February 8, 2024

Lisa Kurokawa
Chief Compliance Audit Bureau
State Controller's Office

The Auditor's response to the Findings for an audit conducted by the State Controller's Office for the period of July 1, 2016, through June 30,2023, are as follows:

Finding #1: We concur with the audit findings and all corrections were made to unitary and operating nonunitary factors as recommended. The worksheet and policies and procedures have been updated to ensure that future years are calculated correctly. The difference in the factors was immaterial, so no adjustment will be made to prior apportionments.

Finding #2: We concur with the audit findings and all corrections have been made to ERAF shift as recommended. Factors were recalculated and found to be immaterial so no adjustment to prior apportionments will be made. Amounts for FY 23/24 AB8 have been updated and will be used going forward for apportionments. Policies and procedures have been updated to ensure exclusion of aircraft revenue going forward based on clarification from the State Controller in 2023.

Finding #3: We concur with the audit findings and all corrections were made to VLF as recommended. An adjustment journal entry will be posted in February 2024 to correct ERAF and allocation amounts to the County General Fund and the Cities. Policies and procedures have been updated to ensure that any future annexation adjustments flow through to the VLF swap spreadsheet and to ensure that utility assessed values are included.

If you have any questions or need additional information, please contact me at (530)245-6657,

Sincerely,

Nolda Short

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Auditor-Controller
Shasta County

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