SANTA CRUZ COUNTY

Audit Report

APPORTIONMENT AND ALLOCATION OF PROPERTY TAX REVENUES

July 1, 2017, through June 30, 2021

BETTY T. YEE
California State Controller

May 2022

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California State Controller

May 23, 2022

The Honorable Edith Driscoll,
Auditor-Controller–Treasurer-Tax Collector
Santa Cruz County
701 Ocean Street, Room 100
Santa Cruz, CA 95060

Dear Ms. Driscoll:

The State Controller's Office audited Santa Cruz 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, 2017, through June 30, 2021. We conducted the audit pursuant to the requirements of Government Code section 12468.

Our audit found that the county incorrectly calculated the unitary regulated railway apportionment and allocation.

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/ls

cc: Cheryl McGinley, Tax Manager
Santa Cruz County Auditor-Controller's Office
The Honorable Manu Koenig, Chair
Santa Cruz County Board of Supervisors
Chris Hill, Principal Program Budget Analyst
Local Government Unit
California Department of Finance

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Audit Report

Summary

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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 of revenue 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 (percentage share) 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 properties. These revenues are now apportioned and allocated under separate processes.

Other legislation established an Educational Revenue Augmentation Fund (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 State Controller 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 (e.g., 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 State Controller with broad authority to "superintend the fiscal concerns of the state." GC section 12418 provides the State Controller 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 State Controller 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 State Controller.

Audit Authority

We conducted this audit under the authority of GC section 12468, which requires 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 actions.

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 is concerned with 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, 2017, through June 30, 2021.

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 judgmentally selected a non-statistical sample of five from approximately 90 taxing jurisdictions within the county for all fiscal years in the audit period.[1] Then, we:
    - Recomputed apportionment and allocation reports to verify computations used to develop property tax apportionment factors;
    - Tested TRA reports to verify that the correct TRA factors were used in the computation of the ATI;

[1] The actual number of taxing jurisdictions, which include the ERAF, 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.

- 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;
- Verified computations used to develop supplemental property tax apportionment factors;
- Verified unitary and operating nonunitary, and unitary regulated railway computations used to develop apportionment factors (see the Finding);
- Reviewed redevelopment agency reports and verified computations used to develop the project base amount and the tax increment distributed to the redevelopment agency;
- Reviewed Redevelopment Property Tax Trust Fund deposits;
- Reviewed property tax administration 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;
- 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;
- Reviewed and recomputed Vehicle License Fee (VLF) computations used to verify the amount transferred from the ERAF to counties and cities to compensate for the diversion of these revenues;
- Reviewed reports to determine any increases in property tax revenues due cities having low or nonexistent property tax amounts; and
- 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 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.

We did not audit the county’s financial statements.

Conclusion

Our audit found that Santa Cruz County did not comply with California statutes for the apportionment and allocation of property tax revenues for the audit period because it incorrectly calculated the unitary regulated railway apportionment and allocation.

This instance of noncompliance is described in the Finding and Recommendation section of this audit report.

Follow-up on Prior Audit Findings

Our prior audit report, for the period of July 1, 2013, through June 30, 2017, issued on April 25, 2019, included no findings related to the apportionment and allocation of property tax revenues by the county.

Views of Responsible Officials

We issued a draft audit report on April 6, 2022. Edith Driscoll, Auditor-Controller–Treasurer-Tax Collector responded by letter dated April 19, 2022, agreeing with the audit results. The county's response is included as an attachment to this final audit report.

Restricted Use

This audit report is solely for the information and use of Santa Cruz 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

May 23, 2022

Finding and Recommendation

FINDING— Unitary Regulated Railway Apportionment and Allocation

During testing of the unitary regulated railway apportionment and allocation process, we found that the county incorrectly calculated the unitary regulated railway growth allocation by including adjustments to the VLF for FY 2017-18 through FY 2020-21. This error resulted in a misallocation of unitary regulated railway revenue to all affected entities in the county. Due to the complexity of the unitary regulated railway growth allocation, we are unable to quantify the effect of the error. The error occurred because the county incorrectly implemented RTC section 100.11, which provides the legal requirements for the apportionment and allocation of unitary regulated railway property tax revenues.

Unitary regulated railway properties are facilities that were completely constructed and placed in service after January 1, 2007. RTC section 723 defines unit valuation of a property that is operated as a unit in a primary function of the assessee.

Recommendation

We recommend that the county:

- Review RTC section 100.11 and update its procedures to exclude adjustments to the VLF from the unitary regulated railway apportionment and allocation process;
- Recalculate its unitary regulated railway revenues for FY 2017-18 through FY 2020-21; and
- Make monetary adjustments to school districts, including the ERAF. Monetary adjustments to all other affected taxing entities will be necessary, if the amounts are significant.

County's Response

> We agree with this finding and have updated our procedures to exclude adjustments to the VLF from the unitary regulated railway apportionment and allocation process. We have also recalculated unitary regulated railway revenues for FY 2017-18 through FY 2020-21. Lastly, we have made monetary adjustments to all affected taxing entities.

Attachment— County's Response to Draft Audit Report

COUNTY OF SANTA CRUZ

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(831) 454-2500 FAX (831) 454-2660

April 19, 2022

Lisa Kurokaw
Chief, Compliance Audits Bureau
State Controller's Office, Division of Audits
Post Office Box 942850
Sacramento, California 94250

RESPONSE TO DRAFT AUDIT REPORT FOR APPORTIONMENT AND ALLOCATION OF PROPERTY TAX REVENUES JULY 1, 2017 THROUGH JUNE 30, 2021

We have reviewed the draft audit report of Santa Cruz County's apportionment and allocation of property tax revenues for the period of July 1, 2017 through June 30, 3021. Below is our response to the audit finding and recommendation:

Finding 1 - Unitary Regulated Railway Apportionment and Allocation

State Recommendation 1

We recommend that the county:

- Review RTC section 100.11 and update its procedures to exclude adjustments to the VLF from the unitary regulated railway apportionment and allocation process;
- Recalculate its unitary regulated railway revenues for FY 2017-18 through FY 2020-21; and
- Make monetary adjustments to school districts, including the ERAF. Monetary adjustments to all other affected taxing entities will be necessary, if the amounts are significant.

County's Response

We agree with this finding and have updated our procedures to exclude adjustments to the VLF from the unitary regulated railway apportionment and allocation process. We have also recalculated unitary regulated railway revenues for FY 2017-18 through FY 2020-21. Lastly, we have made monetary adjustments to all affected taxing entities.

If you have any questions or comments, please contact Laura Bowers of my staff at laura.bowers@santacruzcounty.us.

Sincerely,

Edith Driscoll
Auditor-Controller-Treasurer-Tax Collector

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