



Legislation Details (With Board Report)

File #: 22-916 **Name:** Discharge of Accountability (DOA)
Type: General Agenda Item **Status:** Passed
File created: 9/27/2022 **In control:** Board of Supervisors
On agenda: 10/11/2022 **Final action:** 10/11/2022

Title: a. Approve and authorize the Treasurer-Tax Collector’s Revenue Division Application for Discharge from Accountability for the collection of delinquent court-ordered criminal and traffic fines, fees, penalties, and assessments deemed uncollectible due to age of debt and lack of value where the cost of recovery exceeds the cost of collection efforts, per Government Code Section 25257; and
b. Authorize the Treasurer-Tax Collector or her designee to take all necessary and appropriate action to discharge the accountability of delinquent court-ordered accounts pursuant to Government Code Section 25259.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Application for Discharge from Accountability, 3. Attachment B - Discharge from Accountability Information Sheet, 4. Completed Board Order No. 31

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|----------|--------|
| 10/11/2022 | 1 | Board of Supervisors | approved | Pass |

a. Approve and authorize the Treasurer-Tax Collector’s Revenue Division Application for Discharge from Accountability for the collection of delinquent court-ordered criminal and traffic fines, fees, penalties, and assessments deemed uncollectible due to age of debt and lack of value where the cost of recovery exceeds the cost of collection efforts, per Government Code Section 25257; and
b. Authorize the Treasurer-Tax Collector or her designee to take all necessary and appropriate action to discharge the accountability of delinquent court-ordered accounts pursuant to Government Code Section 25259.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Treasurer-Tax Collector’s Revenue Division Application for Discharge from Accountability for the collection of delinquent court-ordered criminal and traffic fines, fees, penalties, and assessments deemed uncollectible due to age of debt and lack of value where the cost of recovery exceeds the cost of collection efforts, per Government Code Section 25257; and
b. Authorize the Treasurer-Tax Collector or her designee to take all necessary and appropriate action to discharge the accountability of delinquent court-ordered accounts pursuant to Government Code Section 25259.

SUMMARY:

In compliance with the County’s Memorandum of Understanding (MOU) with the Superior Court of Monterey County, the Treasurer-Tax Collector’s Revenue Division (TTCRD) collects delinquent criminal and traffic fines, fees, penalties, and assessments. One of the agreements of the parties’ MOU based on Judicial Council best practices is to perform a discharge from accountability annually when the cost of collection exceeds the potential value collected from aged accounts. A discharge from accountability relieves the TTCRD from collection responsibility but does not release any person from payment liability of discharged accounts.

DISCUSSION:

Pursuant to Government Code Sections 25257-25259.95, discharge from accountability may be performed on infractions, misdemeanors, and felonies once collecting entities determine them uncollectible. Government Code Section 25257(b) authorizes and establishes that any collection program operated by a county may apply to the Board of Supervisors for a discharge from accountability of court-ordered debt if the likelihood of collection does not warrant the expense involved.

The TTCRD is requesting to discharge 4,739 infraction and misdemeanor traffic accounts with a balance remaining of approximately \$3.9 million and 21,671 misdemeanor and felony criminal accounts of approximately \$4.9 million. These accounts have not had any payment activity for more than ten years, and all reasonable collection efforts have been exhausted. The discharge from accountability relieves the TTCRD from collection responsibility without releasing any person from liability for payment of the amounts discharged. The detailed records of accounts are on file with the TTCRD and include specifics on each debt discharged: the case number, the nature of the case (infraction, misdemeanor, or felony), the name(s) of the persons liable, the dollar amount of the debt, and the date of last payment. They are available for review on the Division’s website at <http://www.co.monterey.ca.us/government/departments-i-z/treasurer-tax-collector/discharge-of-accountability> until at least January 15, 2023 and will be posted by the Superior Court of Monterey County for a period of not less than three weeks. This report and a copy of subject accounts will remain on file with the Clerk of the Board.

OTHER AGENCY INVOLVEMENT:

Monterey County Superior Court staff have agreed to the pending Application for Discharge from Accountability. Pursuant to Government Code Section 29259, within 45 days after the end of the month in which any discharge from accountability is approved, the TTCRD shall report to the Superior Court of Monterey County the discharge from accountability of court-ordered debt. Government Code Section 25259.9 (a) provides that upon making an order of discharge, the presiding judge shall direct the clerk of the court to enter record of the discharge in the court case file for each debt and to post a copy of the order of discharge on the court’s internet website for a period of not less than three weeks. County Counsel concurs with the recommended action.

FINANCING:

Recommended actions include discharge from accountability of 26,410 accounts with an approximate balance of \$8.8 million. Approval of this action has no financial impact to the general fund as these accounts are not considered “receivables” in the County’s financial statements and therefore do not represent revenue loss. Approval of the application will allow the TTCRD to remove these accounts from active collection resulting in system, operational, and financial efficiencies allowing staff to focus time and efforts on accounts that are collectible.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Rigoberto Gonzalez, Management Analyst II, x5379

Approved by: Jake Stroud, Assistant Treasurer-Tax Collector, x5828

Approved by: Mary A. Zeeb, Treasurer-Tax Collector, x5015

Attachments:

Board Report

Attachment A - Application for Discharge from Accountability

Attachment B - Discharge from Accountability Information Sheet

cc: Monterey County Superior Court