



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers

168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 24-641

October 08, 2024

Introduced: 9/18/2024

Current Status: Agenda Ready

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Matter Type: General Agenda Item

- 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 5,588 infraction and misdemeanor traffic accounts with a

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balance remaining of approximately \$2.7 million and 22,334 misdemeanor and felony criminal accounts of approximately \$3.8 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, 2025, 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 the 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 27,922 accounts with an approximate balance of \$6.5 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:

This recommendation supports the Administration initiative through compliance with the Superior Court of Monterey County MOU to increase debt collection efficiency.

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

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

Attachments:

Attachment A - Application for Discharge from Accountability

Attachment B - Discharge from Accountability Information Sheet

cc: Monterey County Superior Court