

# STANISLAUS COUNTY

Audit Report

## PROPERTY TAX APPORTIONMENT AND ALLOCATION SYSTEM

*July 1, 2006, through June 30, 2013*



JOHN CHIANG  
California State Controller

July 2014



**JOHN CHIANG**  
California State Controller

July 18, 2014

Lauren Klein, CPA, Auditor-Controller  
Stanislaus County  
1010 10<sup>th</sup> Street, Suite 5100  
Modesto, CA 95354

Dear Ms. Klein:

The State Controller's Office audited the methods employed by Stanislaus County to apportion and allocate property tax revenues for the period of July 1, 2006, through June 30, 2013. The audit was conducted pursuant to the requirements of Government Code section 12468.

Our audit disclosed that the county complied with California statutes, except that it:

- Did not carry forward gross tax amounts when calculating annual tax increment, nor adjust the tax amounts to reflect the formation of the unitary railroad calculation; and
- Included the Educational Revenue Augmentation Fund in the unitary apportionments.

If you have any questions, please contact Elizabeth González, Chief, Local Government Compliance Bureau, at (916) 324-0622.

Sincerely,

A handwritten signature in black ink, which appears to read "Jeffrey V. Brownfield, CPA". The signature is written in a cursive style and includes the initials "FEB" at the bottom right of the signature.

JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

JVB/mh

cc: Jim De Martini, Chairperson  
Stanislaus County Board of Supervisors  
Jody Martin, Principal Consultant  
Joint Legislative Budget Committee  
Peter Detwiler, Staff Director  
Senate Local Government Committee  
Elvia Dias, Committee Assistant  
Senate Local Government Committee  
Dixie Martineau-Petty, Secretary  
Assembly Local Government Committee  
Gayle Miller, Staff Director  
Senate Revenue and Taxation Committee  
Oksana Jaffe, Chief Consultant  
Assembly Revenue and Taxation Committee  
Neil McCormick, Executive Director  
California Special Districts Association  
Matt Slaughter  
Division of Audits, State Controller's Office

# Audit Report

## Summary

The State Controller's Office (SCO) audited the methods employed by Stanislaus County to apportion and allocate property tax revenues for the period of July 1, 2006, through June 30, 2013.

Our audit found that the county complied with California statutes for the allocation and apportionment of property tax revenues, except that it:

- Did not carry forward gross tax amounts when calculating annual tax increment, nor adjust the tax amounts to reflect the formation of the unitary railroad calculation; and
- Included the Educational Revenue Augmentation Fund in the unitary apportionments.

## Background

After the passage of Proposition 13 in 1978, the California State Legislature enacted new methods for allocating and apportioning property tax revenues to local government agencies and public schools. The main objective was to provide local government agencies with a property tax base that would grow as assessed property values increased. These methods have been further refined in subsequent laws passed by the Legislature.

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

The property tax revenues that local government agencies receive each fiscal year are based on the amount received in the prior year, plus a share of the property tax growth within their boundaries. Property tax revenues are then apportioned and allocated to local agencies and schools using prescribed formulas and methods defined in the Revenue and Taxation Code.

The AB 8 base process involved numerous steps, including the transfer of revenues from schools to local agencies (AB 8 shift) and the development of the tax rate area annual tax increment apportionment factors (ATI 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 apportionment 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 factors.

Subsequent legislation removed revenues generated by unitary and nonunitary properties, regulated railway companies, and qualified

electric properties from the AB 8 process. These revenues are now allocated and apportioned 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 allocated and apportioned to schools by the county auditor according to instructions received from the county superintendent of schools or the State Chancellor of Community Colleges.

Revenues generated by the different types of property tax are apportioned and allocated to local agencies and schools using prescribed formulas and methods, as defined in the Revenue and Taxation Code. Taxable property includes land, improvements, and other properties that are accounted for on the property tax rolls maintained primarily by the county assessor. Tax rolls contain an entry for each parcel of land, including the parcel number, the owner's name, and the value. Following are the types of property tax rolls:

- *Secured Roll*—This roll contains property that, in the opinion of the assessor, has sufficient value to guarantee payment of the tax levies and that, if necessary, can be sold by the tax collector to satisfy unpaid tax levies.
- *Unsecured Roll*—This roll contains property that, in the opinion of the assessor, does not have sufficient “permanence” or have other intrinsic qualities to guarantee payment of taxes levied against it.
- *State-Assessed Roll*—This roll contains public utility, railroad, and qualified electric properties, assessed as either unitary or nonunitary property by the State Board of Equalization.
- *Supplemental Roll*—This roll contains 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 taxes, Senate Bill 418 was enacted in 1985 requiring the State Controller to audit the counties' apportionment and allocation methods and report the results to the California State Legislature.

## **Objective, Scope, and Methodology**

Our audit objective was to review the county's apportionment and allocation of property tax revenues to local government agencies and public schools within its jurisdiction to determine whether the county complied with Revenue and Taxation Code requirements.

To meet the objective, we reviewed the county's procedures for apportioning and allocating property tax revenues used by the county auditor and the processes used by the tax collector and the assessor.

We performed the following procedures:

- Conducted tests to determine whether the county correctly apportioned and allocated property tax revenue.
- Interviewed key personnel and reviewed supporting documentation to gain an understanding of the county's property tax apportionment and allocation processes.
- Reviewed apportionment and allocation reports prepared by the county showing the computations used to develop the property tax distribution factors.
- Reviewed tax rate area (TRA) reports to verify that the annual tax increment was computed properly.
- Reviewed county unitary and operating nonunitary reports and Board of Equalization reports and verified the computations used by the county to develop the unitary and operating nonunitary property tax distribution factors.
- Reviewed redevelopment agency (RDA) reports prepared by the county and verified the computations used to develop the project base amount and the tax increment distributed to the RDA.
- Reviewed successor agency Recognized Obligation Payment Schedules (ROPS) and county apportionment and allocation reports addressing the Redevelopment Property Tax Trust Fund (RPTTF).
- Reviewed property tax administration cost reports prepared by the county and verified administrative costs associated with procedures used for apportioning and allocating property tax to local government agencies and school districts.
- Reviewed ERAF reports prepared by the county and verified the computations used to determine the shift of property taxes from local agencies to the ERAF and, subsequently, to public schools.

We conducted this performance audit under the authority of Government Code sections 12468 and 12410. 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 objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit covered the period of July 1, 2006, through June 30, 2013. Our audit scope was limited to:

- Reviewing operational procedures and significant applicable controls over the apportionment and allocation process;
- Examining selected property tax apportionment and allocation records; and
- Reviewing related property tax revenue data used to determine the apportionment and allocation computation process.

A property tax bill contains the property tax levied at a 1% tax rate pursuant to the requirement of Proposition 13. A bill may also contain special taxes, debt services 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 1% 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.

We limited our review of the county's internal controls to gaining an understanding of the transaction flow in order to develop appropriate auditing procedures. We did not evaluate the effectiveness of all internal controls.

In addition, we tested transactions used to apportion and allocate property taxes and performed other procedures deemed necessary. This report relates solely to the method used by the county to apportion and allocate property taxes.

## **Conclusion**

Our audit found that, except for the items discussed in the Findings and Recommendations section of this report, Stanislaus County complied with California statutes for the apportionment and allocation of property tax revenues for the period of July 1, 2006, through June 30, 2013. The county should correct the items discussed in the Findings and Recommendations section.

## **Follow-up on Prior Audit Findings**

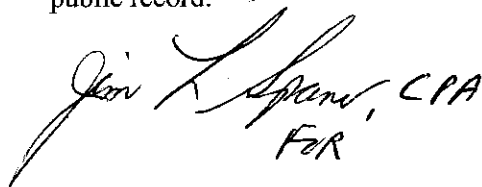
Findings noted in our prior audit, issued December 2008, have been satisfactorily resolved by the county, with the exception of including the ERAF in the unitary apportionments.

## **Views of Responsible Officials**

We issued a draft audit report on May 30, 2014. Lauren Klein, Auditor-Controller, responded by letter dated June 26, 2014 (Attachment). She agreed with the audit results.

## **Restricted Use**

This report is solely for the information and use of Stanislaus County, the California Legislature, 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 report, which is a matter of public record.



JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

July 18, 2014

# Findings and Recommendations

## **FINDING 1— Calculation and distribution of ATI**

In fiscal year (FY) 2006-07, FY 2007-08, and FY 2009-10 through FY 2012-13, the county did not carry forward gross tax amounts from the prior year.

Requirements for the apportionment and allocation of the annual tax increment (ATI) are found in Revenue and Taxation Code sections 96 through 96.5. The annual increment of property tax, which is the change in assessed value from one year to the next, is allocated to tax rate areas (TRA) on the basis of each TRA's share of the incremental growth in assessed valuations. The tax increment is then multiplied by the jurisdiction's annual tax increment apportionment factors for each TRA. These factors were developed in the 1979-80 base year and are adjusted for jurisdictional changes. The tax increment is then added to the tax computed for the prior fiscal year to develop the apportionment for the current fiscal year.

### Recommendation

The county should review the issue and make the necessary corrections to the tax amounts used to calculate AB 8 factors. The county should use the corrected tax amounts used in calculating AB 8 factors going forward.

### County's Response

The county agrees with the finding and will follow the recommendation to use the corrected tax amounts and AB 8 factors going forward.

## **FINDING 2— Unitary and operating nonunitary apportionment**

For FY 2006-07 through FY 2012-13, the county included the ERAF in the unitary apportionment.

Requirements for the apportionment and allocation of unitary and operating nonunitary property taxes are found in Revenue and Taxation Code section 100.

Unitary properties are those properties on which the Board of Equalization "may use the principle of unit valuation in valuing properties of an assessee that are operated as a unit in the primary function of the assessee" (i.e., public utilities, railroads, or qualified electric properties). The Revenue and Taxation Code further states, "Operating nonunitary properties are those that the assessee and its regulatory agency consider to be operating as a unit, but the board considers not part of the unit in the primary function of the assessee."

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



Recommendation

The county should remove the ERAF from the unitary apportionment. The county should not include the ERAF in future unitary apportionments.

County's Response

To address this statewide issue, the State Association of County Auditors has revised the California Property Tax Managers' Manual. The county will be following the procedures in the manual for removing ERAF from future unitary apportionments.

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**Attachment—  
County's Response to  
Draft Audit Report**

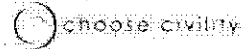
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**AUDITOR-CONTROLLER**

**Lauren Klein, CPA**  
Auditor-Controller

1010 10<sup>th</sup> Street, Suite 5100, Modesto, CA 95354  
PO Box 770, Modesto, CA 95353-0770  
Phone: 209.525.6398 Fax: 209.525.7507



June 26, 2014

Elizabeth Gonzalez, Chief  
Local Government Compliance Bureau  
State Controller's Office, Division of Audits  
PO Box 942850  
Sacramento, CA 94250-5874

**SUBJECT: STANISLAUS COUNTY RESPONSE TO THE STATE CONTROLLER'S OFFICE AUDIT FINDINGS RELATED TO THE CALIFORNIA PROPERTY TAX SYSTEM**

Ms. Gonzalez,

Please see our responses to the audit findings listed in the draft report issued by the State Controller's Office:

FINDING 1 – Calculation and distribution of ATI

The county agrees with the finding and will follow the recommendation to use the corrected tax amounts and AB8 factors going forward.

FINDING 2 - Unitary and operating nonunitary apportionment

To address this statewide issue, the State Association of County Auditors has revised the California Property Tax Managers' Manual. The county will be following the procedures in the manual for removing ERAF from future unitary apportionments.

If you have any questions, please contact Todd Filgas at (209) 525-6597.

Sincerely,

*Lauren Klein*  
Lauren Klein, CPA  
Stanislaus County Auditor-Controller

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