

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Auditor-Controller *Larry Hays*

BOARD AGENDA # *B-3

Urgent Routine

AGENDA DATE April 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Allocation for Highway Property Rental Revenue of \$16,168.56 - Auditor-Controller

STAFF RECOMMENDATIONS:

1. Allocate \$7,675.12 for the payment of possessory interest tax bill (ASMT 860-000-576) in accordance with section 104.13(C) of the California Streets and Highways Code.
2. Allocate \$1,330.80 of lease revenue to the City of Modesto in accordance with section 104.10 of the California Streets and Highways Code.
3. Allocate \$7,162.64 of lease revenue to the County Road Fund in accordance with the provision in 104.10 of the California Streets and Highways Code that its spending be limited to mass transit or streets and highways purposes.

FISCAL IMPACT:

The County General Fund will receive approximately \$1,348.76 of the \$7,675.12 payment of the possessory interest tax revenue. In addition, the County Road Fund will receive \$7,162.64 of lease revenue which is restricted to mass transit or streets and highways purposes.

The City of Modesto will receive the remaining \$1,330.80 of lease revenue as described in item two in the Staff Recommendations.

BOARD ACTION AS FOLLOWS:

No. 2010-204

On motion of Supervisor O'Brien and Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The State Department of Transportation acquires real property for present and future state highway purposes. Real property acquired for future needs is leased until needed for proposed projects. Disposition of lease revenues is governed by Sections 104.6, 104.10, and 104.13 of the California Streets and Highways Code. Basically, 24% of the lease revenue is forwarded to the County to be distributed by the Board of Supervisors. The local revenue must first be used to pay possessory interest tax bills against the property (Section 104.13), and cities are entitled to one-half the revenues generated within their jurisdiction (Section 104.10). The only other restriction is stated in Section 104.10, "the money received ... shall be expended only for purposes authorized by Article XIX of the California Constitution." In our opinion, this limits the use of the money to mass transit and streets and highway purposes.

As mentioned above, the discretionary portion of this revenue is to be used for transportation purposes. That would limit distribution to those agencies (county and cities) that provide transportation services. Because the amount of revenue is small, we recommend distribution of the discretionary portion entirely to the County.

POLICY ISSUES:

Allocation of these funds must be determined by Board of Supervisors per Section 104.10 of the California Streets and Highways Code. Approval of this agenda item supports the Board of Supervisors Priority of "A well-planned infrastructure system."

STAFFING IMPACT:

There are no staffing impacts associated with this agenda item.

CONTACT PERSON:

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