



Mr. John Wong

March 7, 1986

Robert R. Keeling

Sawyers Bar County Water District; Implementation of
Processing Fee under Government Code Section 54902.5

This is in response to your request for advice on the proper implementation of Government Code Section 54902.5 with respect to the recent filing with your office by the Sawyers Bar County Water District to process the formation of its district.

Government Code Section 54900 provides that when there is a change of boundaries of a city or a district whose tax or special assessment is carried on a regular county assessment roll, then the city or district must file or cause to be filed a statement of such change with the tax or assessment levying authority for filing. Section 54902 of the Government Code provides that the statement shall also be filed with the State Board of Equalization. Government Code Section 54902.5 provides for the establishment of fees for filing and processing these statements and maps or plats which are required to be filed. In 1985 this section was amended (Stats. 1985, Ch. 985, Section 14) to provide that the processing fees charged by the Board shall not exceed 25 percent of the anticipated total tax revenue that will be collected by the city or district during the first full fiscal year, beginning on July 1.

The problem, you say, is the Sawyers Bar County Water District does not collect any taxes or assessments on the county assessment roll. It asserts the fees you shall charge may be no more than 25 percent of zero taxes collected which would be zero fee for processing their statement filed. This is to advise you that we disagree with the District's conclusion. First, they are not required to file a statement with this Board because they do not collect taxes or assessments on the local county assessment roll. If they are not required to file with us, then we are not required to process their filing. Therefore, you are not required to process their filing for zero fees.

You tell me that the District has met all other requisites for filing with the Board and that they have filed sufficient information to permit you to process the filing. In the event the District elects to pay the regular filing fees then there is nothing in the laws which prevent you from processing as they request. Also, if the District were to utilize the county assessment roll to collect a tax or special assessment, then you would be duty bound to process their filing according to the provisions of Government Code Section 54902.5, charging them the lesser of the regular fee or 25 percent of the anticipated total tax revenue that will be collected on the roll during the first full fiscal year beginning on July 1.

I find nothing in the law either expressed or intended which indicates the Board of Equalization is expected or required to process statements at no charge. Evidently the amendment of Section 54902.5 is intended to benefit districts which must file but have insufficient funds to pay the cost of processing. There is no apparent intent to allow districts to voluntarily file with this Board under situations where no processing fee would be paid. Such a conclusion would obviate the statutory policy that the Board's cost of processing such filings be paid for by the parties making the filings.

RRK:fr

cc: Mr. Gordon P. Adelman
Mr. Robert H. Gustafson
Mr. Gene Mayer