



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/12/2019

Agenda Placement: 6T

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Thomas Capriola for Jeffrey Brax - County Counsel
County Counsel

REPORT BY: Thomas Capriola, Deputy County Counsel - (707) 259-8251

SUBJECT: Ratify and Delegate Ongoing Authority to Execute Tolling Agreements

RECOMMENDATION

County Counsel requests ratification of the tolling agreement executed on November 6, 2019 with AT&T, Sprint, and T-Mobile and authorize subsequent tolling agreements as deemed appropriate by County Counsel in connection with the unitary tax claims previously denied in accordance with the Board's delegation to the Auditor-Controller on May 7, 2019.

EXECUTIVE SUMMARY

As part of the May 7, 2019 consent calendar, the Board authorized the Auditor-Controller to deny four claims for unitary property tax refunds. In lieu of filing suit, counsel for the claimants asked to extend (or "toll") the deadline for filing litigation. The Office of County Counsel in consultation with the County Executive Officer executed an initial tolling agreement that runs through December 2, 2019, which is the same timeframe agreed to by Sonoma County and San Mateo County. The Office of County Counsel requests ratification of that tolling agreement and ongoing authorization to agree to tolling agreements in these matters as deemed appropriate.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In May of this year, after securing authorization from the Board on May 7, 2019, the Auditor-Controller denied four state-assessed unitary property tax refund claims totaling \$412,176.19 filed on behalf of AT&T Mobility, LLC, (\$44,476), Pacific Bell (\$313,699), Sprint Telephony PCS, LP (\$32,293.61), and T-Mobile West LLC (\$21,707.58) (collectively "Claimants"). Identical claims, albeit for different amounts, were received and similarly denied by the twenty-plus other counties. The County's obligations to calculate the tax are mandated by the state code and therefore the County's interests and positions are in alignment with these other aforementioned counties that uniformly denied these claims.

In order to best align the County with the similarly situated counties across the state, the Office of County Counsel executed a tolling agreement requested by counsel for the Claimants to extend (or "toll") an early November deadline for the Claimants to file lawsuits in connection with above claims until early December. Subsequent extensions may also be in the County's interest.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi