



County of El Dorado

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Legislation Details (With Text)

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File created: 4/19/2007 **In control:** Board Of Supervisors

On agenda: 5/8/2007 **Final action:** 5/8/2007

Title: Treasurer-Tax Collector recommending the Board order the return of a erroneous deposit to Wittman Enterprises, LLC in the amount of \$28,730.61; and recommending Auditor-Controller be authorized to issue a check for same.
RECOMMENDED ACTION: Approve.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Wittman.pdf

Date	Ver.	Action By	Action	Result
5/8/2007	1	Board Of Supervisors	Approved	Pass

Treasurer-Tax Collector recommending the Board order the return of a erroneous deposit to Wittman Enterprises, LLC in the amount of \$28,730.61; and recommending Auditor-Controller be authorized to issue a check for same.

RECOMMENDED ACTION: Approve.

BUDGET SUMMARY:		
Total Estimated Cost		\$28,730.61
Funding		
Budgeted	\$	
New Funding	\$	
Savings	\$	
Other	\$28,730.61	
Total Funding Available	\$28,730.61	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost: None

Background: Wittman Enterprises LLC is retained by the County Public Health Department to process the payments to the County from recipients of ambulance services including the depositing of those payments into an account for the benefit of the County. Wittman provides similar services to other clients. On January 31, 2007, Wittman inadvertently deposited checks totaling \$28,730.61 into the County's bank account. The checks were for the benefit of a different client of Wittman and should have been deposited into that client's account. (Attached as Exhibit A is a correct copy of

Wittman's letter dated February 8, 2007). Wittman, upon discovering the error requested that the amounts be returned. Wittman has executed a Release of All Claims, Hold Harmless and Indemnity Agreement whereby Wittman will defend and indemnify the County against and from all claims, demands, actions, penalties, fees or other charges arising from the erroneous deposit or the return of the funds. (Attached as Exhibit B is a copy of the Release of All Claims, Hold Harmless and Indemnity Agreement).

Reason for Recommendation: Government Code section 26906 provides that "Any money other than taxes erroneously paid into the county treasury may be returned to the person paying it in upon a warrant drawn by the auditor on the order of the board of supervisors based upon such voucher as shows proper evidence of the facts." Wittman has provided a description of the events leading up to the erroneous deposit. It has been confirmed that the deposit was in fact erroneous. Wittman has agreed to defend and indemnify the County against and from any claims, charges fees or penalties arising from the erroneous deposit or return of the funds. Under the circumstances, it is appropriate that the Board order that the funds be returned to Wittman.

Action to be taken following Board approval: Treasurer-Tax Collector will request the Auditor-Controller to issue a check payable to Wittman Enterprises LLC for \$28,730.61.

Contact: C. L. Raffety

Concurrences: