



## Legislation Details (With Text)

**File #:** 24-0293      **Version:** 1

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**File created:** 2/2/2024      **In control:** Board of Supervisors

**On agenda:** 4/2/2024      **Final action:** 4/2/2024

**Title:** Chief Administrative Office, Emergency Medical Ambulance Billing Division, recommending the Board order the return of an erroneous deposit by Wittman Enterprises, LLC in the amount of \$43,419.30; and recommending Auditor-Controller be ordered to issue a check for same.

FUNDING: Ambulance Billing.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 1-31-24 Letter from Wittman CEO, 2. B - 1-8-24 Ambulance Billing Transactions, 3. C - 3-4-24 Release of Claims\_Executed

Date	Ver.	Action By	Action	Result
4/2/2024	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Emergency Medical Ambulance Billing Division, recommending the Board order the return of an erroneous deposit by Wittman Enterprises, LLC in the amount of \$43,419.30; and recommending Auditor-Controller be ordered to issue a check for same.

**FUNDING:** Ambulance Billing.

### DISCUSSION / BACKGROUND

Wittman Enterprises LLC is retained by the Emergency Medical Services and Ambulance Billing Division to process the accounts receivable of ambulance service fees, including the depositing of those payments into an account for the benefit of the County. Wittman provides similar services to other clients. On January 8<sup>th</sup>, 2024, Wittman inadvertently deposited checks totaling \$43,419.30 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. Wittman, upon discovering the error, requested that the amounts be returned.

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 (attached as Exhibit A is a copy of Wittman’s letter dated January 31, 2024). It has been confirmed that the deposit was in fact erroneous (attached Exhibit B shows a variance between the amount deposited into the County’s Bank of America account on January 8, 2024, and the County’s revenue posted in Wittman’s accounts receivable records for the same day).

Based on these circumstances, staff recommends that the Board order that the funds be returned by issuance of a check (warrant) payable to Wittman Enterprises, for distribution to the proper recipient.

### ALTERNATIVES

The Treasurer-Tax Collector's Office could attempt to have the bank reject and reverse the transactions administratively. This method is not being recommended for several reasons. The feasibility, timeframe, and requirements of this approach are unknown. This approach may result in ambulance customers of another California public agency having cleared checks reversed against their checking accounts.

**PRIOR BOARD ACTION**

Similar incidents occurred in 2007 (Legistar item 07-686, May 8<sup>th</sup>, 2007) and 2016 (Legistar item 16-0518, June 14<sup>th</sup>, 2016). The current recommendation is consistent with the resolution and Board decision on both prior occasions.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

The Treasurer-Tax Collector's Office was notified of the erroneous deposit and concurs with the recommendation.

County Counsel has been made aware of this item and approved the Release of Claims (Attached as Exhibit C).

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

There is no net financial impact. The erroneous deposit has been recorded as revenues on the County's general ledger in an ambulance 'suspense account.' The refund will reverse the recorded revenue.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Sue Hennike, Assistant Chief Administrative Officer