

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 2.9  
(ID # 27182)

**MEETING DATE:**  
Tuesday, March 18, 2025

**FROM :** AUDITOR CONTROLLER

**SUBJECT:** AUDITOR-CONTROLLER: Authorization of denial of State assessed unitary property tax refund claim for Tax Year 2020-21, All Districts [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Deny the State assessed unitary property tax refund claim for the return of 2020-21 taxes paid on State assessed bills for Crown Castle Fiber, LLC. ("Claimant"), pursuant to Revenue and Taxation Code Sections 100 and Section 5096; and
2. Authorize the Auditor-Controller to notify the Claimant of the Board's decision.

**ACTION:**Consent

  
Ben J. Benoit, COUNTY AUDITOR-CONTROLLER 2/24/2025

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Medina, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: March 18, 2025  
xc: Auditor

Kimberly A. Rector  
Clerk of the Board

By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$0	\$0	\$0	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 2024-2025	

**C.E.O. RECOMMENDATION:** Approve.

**BACKGROUND:**

**Summary**

The Auditor-Controller is required to calculate the tax rate necessary for the timely and accurate billing of property taxes in Riverside County. The California Constitution XIII, XIII A and various Revenue and Taxation Codes direct the counties on the property tax process, including State assessed unitary property. The Auditor-Controller's Office has received a property tax refund claim from a unitary property owner for taxes paid in 2020-21. The property owners' claim states the unitary property tax rate is in excess of the rate allowed by the California Constitution and have requested a combined refund of \$243,533.00 plus interest.

The Auditor-Controller's Office has followed all the requirements of Revenue and Taxation Code Section 100 directing the establishment and calculation of the unitary tax rate for tax year 2020-21. The unitary tax rates have been audited by the State Controller's Office and deemed calculated in compliance with State law. The Auditor-Controller is requesting the Board's authorization to deny the claim.

The California Constitution and Revenue and Taxation Code legislate property tax. Under Article XIII, Section 1 (a) all property is taxable. Under Section 19 the State Board of Equalization is required to annually assess property owned or used by regulated railway, telegraph, or telephone companies. This property shall be subject to taxation to the same extent and in the same manner as other property. Article XIII A Section 1 (a) states the maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties. Section 1 (b) states the limitation provided for subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any of the listed voter approved debt, such as school bonds. Revenue and Taxation Code Section 723 and 723.1 instructs the State Board of Equalization regarding valuing property and defines certain state assessed properties as "unitary property" and "non-unitary property". Revenue and Taxation Code Section 100 instructs the County how the values and revenues for unitary property shall be allocated. Section 100 (a) requires the County to establish one countywide tax rate area. The assessed

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

value of all unitary and operating non-unitary property shall be assigned to this tax rate area. No other property shall be assigned to this tax rate area. Section 100 (b) requires property assigned to the tax rate area created by subdivision (a) to be taxed for the counties ad valorem tax levies at a rate as prescribed by a set formula.

The claimant has challenged the State requirements and stated they are entitled to a refund of a portion of their respectively paid 2020-21 unitary taxes plus interest, on the grounds the taxes were erroneously or illegally collected, or illegally assessed or levied, and gave the following reasons:

- a. The property tax rate applied to compute claimants' property tax was in excess of the rate applied in the same year to the property in the county assessed by the assessor of Riverside County in violation of Article XIII, section 19 of the California Constitution and *ITT World Communications v. City and County of San Francisco*, 37 Cal. 3d 859 (1985).
- b. The property tax rate applied to compute the claimants' property taxes exceeded the rate allowed by Article XIII A, Section 1 of the California Constitution.

In consultation with County Counsel, the Auditor-Controller's Office has reviewed the claim and the audited County practices for unitary taxation. Riverside County follows the requirements of Revenue and Taxation Code Section 100 for the calculation of the unitary tax rate. Therefore, the Auditor-Controller has determined that no refund is allowable to the property owner and requests the Board instruct the Auditor-Controller's Office to deny the claim. This position is consistent with the decision of the California Court of Appeal in *County of Santa Clara v. Superior Court* (87 Cal.App.5th 347 (2023)).

If a board of supervisors for a county does not render a decision in regard to a claim for refund within six months after receipt of such claim, a claimant may file a suit in court. Also, a claimant would have 6 months to file a suit in court from the date a denial decision is made by a board of supervisors. The claim from CROWN CASTLE FIBER, LLC was filed with the County in October 2024 as further described in Attachment A. The County has six months after receipt to approve or deny the claim before the claimant may file suit in court. If the County does deny the claim, that starts a six-month statute of limitations in which the claimant must bring suit.

**Impact on Residents and Businesses**

If refunds were allowable by law, the refunds would impact primarily school districts and water districts of Riverside County with voter approved debt obligations.

**ATTACHMENT A:**

Summary of Claim

**ATTACHMENT B:**

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA

Claim for Refund – CROWN CASTLE FIBER, LLC

  
Aaron Gettis, Chief of Deputy County Counsel 3/4/2025



County of Riverside  
Auditor-Controller's Office  
Property Tax Division-Section A

Attachment A

Claim for Refund of Tax Payments

				Date Received	Date Received
Assessee	Co.	Year	Claim	By County	By ACO
Crown Castle Fiber, LLC	33-8169	2020-21	\$ 243,533.00	10/31/2024	11/27/2024
			<u>\$ 243,533.00</u>		



Crown Castle  
2000 Corporate Drive  
Canonsburg, PA 15317

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

9589 0710 5270 1337 4479 30

October 15, 2024

RECEIVED  
OCT 27 2024 7:12 PM

County of Riverside  
Clerk, Board of Supervisors Office  
Attn: Claims Division  
4080 Lemon Street - 5th Floor  
Riverside, California 92501

**CLAIM FOR PARTIAL REFUND OF PROPERTY TAX**

To the Honorable Board of Supervisors,

Crown Castle Fiber, LLC, makes a claim for refund in the amount of \$243,533.00, together with applicable interest, in connection with payment of tax year 2020/2021 property tax to Riverside County, as described below.

**Name and Address**

Taxpayer Name: Crown Castle Fiber, LLC  
Address: 2000 Corporate Drive  
City, State Zip: Canonsburg, PA 15317  
Attention: Property Tax Department, Rachel Petras  
Email: Rachel.Petras@crowncastle.com  
Telephone: (724) 743-6369

**Property Description**

Assessment Number: 33-8169  
Bill Number: SBE  
Fiscal Year: 2020/2021  
Total Payment: \$693,147.66  
Amount of Claim: \$243,533.00

RECEIVED  
CLERK/BOARD OF SUPERVISORS  
2024 OCT 31 PM 1:3

Received from Nancy 2/3/2025

The pathway to possible  
CrownCastle.com



### **BASIS for CLAIMED PARTIAL REFUND of PROPERTY TAX**

On November 20, 2020, and March 2, 2021, Crown Castle Fiber, LLC ("Claimant"), remitted property tax payments for tax year 2020/2021, in the total amount of \$693,147.66, to the County of Riverside (the "County").

This claim, filed within four (4) years of that payment, in accordance with California Revenue and Taxation Code ("Code") Section 5097, as interpreted in McDougall v. County of Marin (208 Cal.App.2d 65 (1962)), seeks a partial property tax refund in the amount of \$243,533.00.

Claimant is subject to the assessment jurisdiction of the California State Board of Equalization, pursuant to Article XIII, Section 19 of the California Constitution, which establishes that, "This [State-assessed] property shall be subject to taxation to the same extent and in the same manner as other property."

For tax year 2020/2021, the County applied a (Code Section 100(b)) tax rate of 1.81452% to the assessed value of Claimant's property.

For tax year 2020/2021, the County applied an (averaged Code Section 93) tax rate of 1.177% to the assessed value of locally-assessed property.

The tax rate applied by the County to the assessed value of Claimant's property exceeded the tax rate applied by the County the assessed value of locally-assessed property.

Claimant asserts that the 2020/2021 tax rate applied by the County to the assessed value of Claimant's property violated Article XIII, Section 19 of the California Constitution.

On that basis, Claimant contends that, as a matter of law, it is entitled to a partial refund of its second installment property tax payment for tax year 2020/2021, in the amount of \$243,533.00, based on the difference between the tax rate applied by the County to the assessed value of Claimant's property and the averaged tax rate applied by the County to the assessed value of locally-assessed property.

The pathway to possible.  
CrownCastle.com

RECEIVED  
COUNTY OF RIVERSIDE  
JAN 20 2021

Ryan Tax Compliance Services, LLC  
Paying for Crown Castle  
16220 North Scottsdale Road, Suite 450  
Scottsdale, Arizona 85254-1720  
866-866-4186

Check No. 00018269

Check Date: 03/02/2021

Amount Paid: >>>>>\$346,573.83

Riverside County Treasurer

PO Box 12005

Riverside CA 92502-2205

Vendor No: 1910491

Check No.: 00018269

Voucher Name: Riverside County Treasurer

Check Date: 03/02/2021

Ryan Tax Compliance Services, LLC

Parcel/Account #	Reference Number	Amount	Year	Install	Prop. ID	Cost Center
8169 - Riverside	CA-Riverside	346,573.83	2020	2	929076	
TOTALS		346,573.83				

PLEASE DETACH BEFORE DEPOSITING CHECK

THIS CHECK IS VOID WITHOUT A BLUE AND GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW.

Ryan Tax Compliance Services, LLC  
Paying for Crown Castle  
16220 North Scottsdale Road, Suite 450  
Scottsdale, Arizona 85254-1720  
866-866-4186

Bank of America  
Dallas, TX

32-2/1110 TX

00018269

03/02/2021

PAY: THREE HUNDRED FORTY SIX THOUSAND FIVE HUNDRED SEVENTY THREE AND 83/100

**\*\* 346,573.83**

PAY TO THE ORDER OF:

Riverside County Treasurer  
PO Box 12005

Riverside CA 92502-2205

SUBJECT TO VOID AFTER 60 DAYS

*George B. Ryan*

BORDER CONTAINS MICROPRINTING



⑈0018269⑈ ⑆111000025⑆ 488061566354⑈



**VERIFICATION**

ADT-3012-11  
NOV 27 2024 PM 12:55

STATE OF PENNSYLVANIA

COUNTY OF WASHINGTON

I have read the foregoing **CLAIM for PARTIAL REFUND of PROPERTY TAX** and know its contents.

☒ I, Scott Zahorchak, am VP of Tax at Crown Castle Fiber, LLC, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

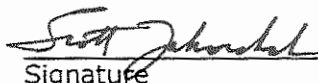
☒ I am informed and believe, and on that basis confirm, that representations in the foregoing Claim for Partial Refund of Property Tax are true and correct.

I hereby certify and declare under penalty of perjury under the laws of the State of California that the tax amount sought to be partially refunded was paid; that the amount herein claimed is correct, and no part thereof has heretofore been refunded; and, that I am duly authorized to act on behalf of Crown Castle Fiber, LLC.

Executed on October 17, 2024, at Canonsburg, Pennsylvania.

Scott Zahorchak

Type or print name



Signature

Vice-President of Tax

The pathway to possible.  
CrownCastle.com



OFFICE OF THE TREASURER-TAX COLLECTOR  
RIVERSIDE COUNTY, CALIFORNIA

AUDITOR-CONTROLLER  
NOV 27 2024 PM 12:56

[Español](#)

Payment Receipt

Tax Payment

Reference #	Year	Bill Number	Amount
0000018169	2020	2020005225845	\$346,573.83

Merchant Name County of Riverside Egov  
First Name Ryan Tax Compliance Paying for  
Middle Initial  
Last Name  
Address 13155 Noel Road Suite 100  
City Dallas  
Country United States  
State Texas  
Postal Code 75240  
Phone US +1 602-955-1792  
Email Address PTSScottsdale.BillPay@ryan.com

Total Payment Amount \$346,573.83

Account Number xxxxxxxx6354  
Routing Number 111000025  
Name on Account Ryan TCS / Crown Castle  
Account Type Business Checking

Payment submitted!

Amount Charged \$346,573.83  
Transaction ID 134826464  
Payment Date / Time 11/20/2020 4:46:15 PM Pacific

Email Address:

[Email Receipt](#)

[Print Receipt](#)

[Finish](#)



4080 Lemon St (1st Floor) Riverside, CA 92501  
Telephone: (951) 955-3800  
Toll Free Number: 1 (877) 743-2689  
From area codes 951 & 760 only

**RIVERSIDE COUNTY**  
**SECURED STATE ASSESSED**  
**PROPERTY TAX BILL**  
For Fiscal Year July 1, 2020  
through June 30, 2021

10/14/2020

Property Data: SEE ATTACHED BREAKDOWN SHEET(S)

Mailed to: CROWN CASTLE FIBER, LLC  
2000 CORPORATE DRIVE  
CANONSBURG PA 15317

**RECEIVED**

OCT 21 2020

Ryan PTS  
Houston, TX

Visit our website: [www.countytreasurer.org](http://www.countytreasurer.org)

**IMPORTANT MESSAGES**

State Assessed Number	Bill Number
33 - 8169	SBE
Owner January 1, 2020	
Crown Castle Fiber, LLC	

Structures	\$29,135,050
Business Personal Property	\$9,065,006
Assessed Penalty	\$0
Full Taxable Value	\$38,200,056
Exemptions - Homeowner	\$0
Exemptions - Other	\$0
Net Taxable Value	\$38,200,056

Tax Rate Per \$100 Value	
Taxes	\$693,147.66
Special Assessments & Fixed Charges	\$0.00

Total Base Tax Amount \$693,147.66

Add 10% penalty after December 10, 2020	\$346,573.83	Add 10% penalty plus cost after April 12, 2021	\$346,573.83
	\$346,573.83		\$346,573.83

PLEASE KEEP TOP PORTION FOR YOUR RECORDS  
NO RECEIPTS WILL BE GIVEN - YOUR CANCELLED CHECK IS YOUR RECEIPT

**IMPORTANT INFORMATION ON REVERSE SIDE**

State Assessed Number	Bill Number
33 - 8169	SBE
<b>DUE 02/01/2021</b>	
PAY BY 04/12/2021	\$346,573.83
IF PAID AFTER 04/12/2021, ADD 10% PENALTY AND COST	
	\$34,695.43

If paying in person at one of our offices, bring the entire tax bill or no receipt will be issued.  
For additional charges see item #5 on the reverse

SEND THIS STUB WITH YOUR 2ND  
INSTALLMENT PAYMENT

RIVERSIDE COUNTY  
2020-2021 SECURED STATE ASSESSED TAX BILL  
PARTIAL PAYMENTS ARE NOT ACCEPTED

CANNOT BE PAID UNLESS 1ST INSTALLMENT IS PAID

☐ Check here for change of mailing address  
Please provide corrections on reverse side

Pay taxes online by eCheck or by Credit/Debit card

**ELECTRONIC CHECK** No Convenience Fee applies when paying by eCheck  
or  
**VISA** **DISCOVER**  
Convenience Fee Applies for Credit/Debit  
[www.countytreasurer.org](http://www.countytreasurer.org)

Cannot be paid unless  
1st installment is paid

**2nd**  
**Installment**  
Bill Printed On:  
10/14/2020

State Assessed Number	Bill Number
33 - 8169	SBE
<b>DUE 11/01/2020</b>	
PAY BY 12/10/2020	\$346,573.83
IF PAID AFTER 12/10/2020, ADD 10%	
	\$34,657.37

If paying in person at one of our offices, bring the entire tax bill or no receipt will be issued.  
For additional charges see item #5 on the reverse

SEND THIS STUB WITH YOUR 1ST  
INSTALLMENT PAYMENT

RIVERSIDE COUNTY  
2020-2021 SECURED STATE ASSESSED TAX BILL  
PARTIAL PAYMENTS ARE NOT ACCEPTED

☐ Check here for change of mailing address  
Please provide corrections on reverse side

Pay taxes online by eCheck or by Credit/Debit card

**ELECTRONIC CHECK** No Convenience Fee applies when paying by eCheck  
or  
**VISA** **DISCOVER**  
Convenience Fee Applies for Credit/Debit  
[www.countytreasurer.org](http://www.countytreasurer.org)

**1st**  
**Installment**  
Bill Printed On:  
10/14/2020



**VERSATAX**  
CONSULTING

23052 Alicia Parkway, #H-372

Mission Viejo, CA 92692

CERTIFIED MAIL



9589 0710 5270 1337 4479 30

**Retail**



92501

U.S. POSTAGE PAID  
FCM LG ENV  
RANCHO SANTA  
MARGARITA, CA 92688  
OCT 24, 2024

**\$10.72**

S2324P503874-11

**RDC 99**

**TREASURER-TAX COLLECTOR**

**NOV 05 2024**

**RECEIVED**

County of Riverside  
Clerk, Board of Supervisor's Office  
Attn Claims Department  
4080 Lemon Street- 5<sup>th</sup> Floor  
Riverside, CA 92501

1010

AUDITOR-CONTROLLER  
NOV 27 2024 PM 12:54

