

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE September 29, 2009

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Establish an Assessment Hearing Officer and Adopt Amended Local Rules and Regulations for the Stanislaus County Assessment Appeals Board

STAFF RECOMMENDATIONS:

1. Establish the position of Assessment Hearing Officers pursuant to Revenue and Taxation Code Section 1636.
2. Establish the rate of compensation for the Assessment Hearing Officer to be \$75.00 per one-half day and \$150.00 for each full day.
3. Adopt a resolution declaring that the decision of an Assessment Hearing Officer constitutes the final administrative decision without further action by the Assessment Appeals Board pursuant to Revenue and Taxation Code Section 1641.5(a).
4. Adopt Amended Local Rules and Regulations of the Stanislaus County Assessment Appeals Board .
5. Appoint all Assessment Appeals Board Members and Alternate Members as Assessment Hearing Officers.

FISCAL IMPACT:

The cost of an Assessment Hearing Officer is \$75 for half a day and \$150 for a full day, which is the same rate of compensation as Assessment Appeal Board members. The 2009-2010 cost for the Assessment Hearing Officer will depend on how long the meetings are and the number of meetings that are needed to resolve the appeal applications. At this time it is unknown as to how much time will be needed to resolve the outstanding 382 existing appeal applications. It is anticipated that the Assessment Hearing Officer will meet one to two times per month for the remainder of this fiscal year, for an anticipated cost between \$675 and \$2,400. (continued to page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-648

On motion of Supervisor Monteith, Seconded by Supervisor Grover and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-9-A-11

Approval to Establish an Assessment Hearing Officer and Adopt Amended Local Rules and Regulations for the Stanislaus County Assessment Appeals Board
page two

FISCAL IMPACT:

The cost of one Assessment Hearing Officer officiating is less than the cost of the full three member Appeals Board. If no more than one half day sessions per month are needed for the remainder of the fiscal year or \$675, the Clerk of the Board will be able to absorb the cost within existing allocations. However if more time is needed, the Clerk of the Board will need to request additional funding to cover the additional cost of the Hearing Officer. There is a potential fiscal exposure to the County if the appeals are not heard within the two year deadline.

DISCUSSION:

The Board of Supervisors established the Assessment Appeals Board (AAB) in 1977. The AAB hears taxpayer's appeals of their assessments and has the power to equalize the determined value of taxable property in the County for the purpose of taxation.

Since 1970, counties have had the option under Revenue and Taxation Code Section 1636 of appointing Assessment Hearing Officers to enhance their assessment appeals process. According to information provided by the State Board of Equalization, there are currently 10 counties that have Assessment Hearing Officers.

The current number of unresolved appeal applications filed in 2008, is 382. The number of outstanding business, commercial and farm appeals is 170 and the number of residential appeals is 212 that must be resolved in FY 2009-2010. In order to resolve these outstanding appeals, the Clerk of the Board is recommending that the Board of Supervisors establish an Assessment Hearing Officer(s) pursuant to Revenue & Taxation Code 1636. An Assessment Hearing Officer may conduct hearings where all of the following apply: 1) The applicant is the assessee and has filed an application under R&T Code Section 1603., 2) The total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed five hundred thousand dollars (\$500,000); or the property under consideration is a single-family dwelling, condominium or cooperative, or a multiple-family dwelling of four units or less regardless of value, and 3) The applicant has requested that the hearing be held before an assessment hearing officer. It is anticipated the establishment of an Assessment Hearing Officer will enable the County to fully resolve assessment appeal applications within their two year toll date.

Approval to Establish an Assessment Hearing Officer and Adopt Amended Local Rules and Regulations for the Stanislaus County Assessment Appeals Board
page three

The Clerk of the Board anticipates that the Assessment Hearing Officer will hold meetings one to two times per month until the number of applications are resolved for that year. The cost of these meetings will depend upon how many meetings are conducted and if they are half or full day meetings. The primary and alternate members of the Assessment Appeals Board will be able to perform the duties of the Assessment Hearing Officer. It is recommended that the Board of Supervisors appoint the current Assessment Appeals Board members and alternates as Assessment Hearing Officers. The eligibility requirements for an Assessment Hearing Officer are the same as for an Assessment Appeals Board member. Currently, the existing members and alternate members of the Assessment Appeals Board are willing to perform the duties of an Assessment Hearing Officer. It is anticipated that additional Assessment Hearing Officers will be needed in the future and the Clerk of the Board staff will use their usual method of advertising to fill the positions.

The Clerk of the Board also recommends that the Board of Supervisors approve a resolution adopting Revenue & Taxation Code 1641.5(a) which provides that the decision of the Assessment Hearing Officer on an assessment appeal application constitutes the final administrative decision of the County Assessment Appeals Board. Allowing the administrative decisions of the Assessment Hearing Officer to be final will coincide with the Assessment Appeals Board decision authority.

The Local Rules and Regulations of the Stanislaus County Assessment Appeals Board were approved by the Stanislaus County Board of Supervisors in 1998, and were revised on September 16, 2003, and May 22, 2007. On August 12, 2009, the Stanislaus County Assessment Appeals Board unanimously approved amending the Assessment Appeals Board Local Rules and Regulations. The amendments to the Local Rules and Regulations of the Stanislaus County Assessment Appeals Board adds Sections 2.2, 8(d), and 24 regarding Assessment Hearing Officers' function, jurisdiction and decision. Throughout the Rules text was added to reflect the position of the Assessment Hearing Officer for consistency purposes as shown in the attached underscored version.

In addition, the Board of Supervisors is requested to approve other amendments to the rules as adopted by the Assessment Appeals Board. The changes are: Section 5(c) to assure the local rules are consistent with Stanislaus County Ordinance C.S. 1038 regarding the assessment appeals processing fee; Section 5.2 to authorized Pre-Hearing Conferences; Section 16 regarding Legal Counsel for Applicant and Assessor; and, Section 20 authorizing County legal advisor to issue subpoenas. These changes are shown in the attached underscored version.

Approval to Establish an Assessment Hearing Officer and Adopt Amended Local Rules and Regulations for the Stanislaus County Assessment Appeals Board
page four

POLICY ISSUE:

Approval to establish the position of Assessment Hearing Officers and approval of the amended Local Rules as proposed will meet the Board of Supervisors' priority of Efficient delivery of public services.

STAFFING IMPACT:

The impact to the Clerk of the Board staff will be the additional work it will take to set up, administer and process the Assessment Hearing Officer's meetings. No additional staffing is requested at this time.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: September 29, 2009

No. 2009-648

On motion of Supervisor Monteith Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *B-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

Decision of an Assessment Hearing Officer Constitutes the Final Administrative Decision without Further Action by the Assessment Appeals Board Pursuant to Revenue and Taxation Code Section 1641.5(a).

WHEREAS, the Stanislaus County Board of Supervisors established the position of Assessment Hearing Officer pursuant to Revenue and Taxation Code Section 1636;

WHEREAS, hearings before an Assessment Hearing Officer shall be conducted pursuant to the provisions of Article 1 (commencing with R&T Code Section 1601) governing equalization proceedings by a county board of equalization or an assessment appeals board;

WHEREAS, an Assessment Hearing Officer may conduct hearings on applications where all of the following apply: 1) The applicant is the assessee and has filed an application under R&T Code Section 1603., 2) The total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed five hundred thousand dollars (\$500,000); or the property under consideration is a single-family dwelling, condominium or cooperative, or a multiple-family dwelling of four units or less regardless of value, and 3) The applicant has requested that the hearing be held before an assessment hearing officer;

WHEREAS, Revenue and Taxation Code Section 1641.5(a) provides the authority for the Board of Supervisors to declare that the decision of an Assessment Hearing Officer constitutes the final administrative decision without further action by the Assessment Appeals Board;

NOW, THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors declare that the decision of an Assessment Hearing Officer constitutes the final administrative decision without further action by the Assessment Appeals Board pursuant to Revenue and Taxation Code Section 1641.5(a).

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



File No. **BD-9-A-11**