

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.40 OF THE MONTEREY COUNTY CODE RELATING TO
THE MONTEREY COUNTY ASSESSMENT APPEALS BOARD.**

County Counsel Summary

This ordinance amends Chapter 2.40 of the Monterey County Code to modify certain procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board. The ordinance reestablishes staggered terms of members of the Assessment Appeals Board, reduces the terms of alternate members from three to two years for alternates appointed in or after 2018, modifies the nomination schedule to achieve rotation by Supervisorial District of nominations of members and alternate members to the Assessment Appeals Board, and codifies the procedures for filling vacancies among members and alternate members.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1: PURPOSE. Pursuant to Section 16 of Article XIII of the California Constitution and sections 1620 through 1630 of the California Revenue and Taxation Code, the Board of Supervisors of the County of Monterey has by ordinance created the Monterey County Assessment Appeals Board and established procedures for the appointment, terms of office, and compensation of members and alternate members of the Monterey County Assessment Appeals Board. These existing procedures are codified at Chapter 2.40 of the Monterey County Code. Amendments to Chapter 2.40 are needed to reestablish staggered terms and to carry out the intent of existing regulations to rotate nomination of members and alternate members by Supervisorial District. The ordinance reduces the term of one member on a one-time basis, reduces the term length of alternate members from three to two years for alternates appointed in and after 2018, codifies the procedure for filing member vacancies, and incorporates appointment charts into the County Code. These changes are intended to lessen confusion regarding appointment sequences, reestablish staggered terms, and more effectively rotate nominations of members and alternate members among the Supervisorial Districts.

SECTION 2: Section 2.40.020 of the Monterey County Code is amended to read as follows:

2.40.020 Membership.

The Board shall consist of three members, each of whom shall be appointed by the Board of Supervisors. The term of each member shall be three years and shall begin on the first Monday in September for the year designated by the Board of Supervisors at the time of appointment, with the exception that the member nominated in 2016 by District 2 shall serve for a term of one year for the purpose of reestablishing the staggering of terms. Not less than sixty (60) days prior to the expiration of the term of office of any member of the Assessment Appeals

Board or upon the occurrence of any vacancy on such Board, the Board of Supervisors shall appoint a person to serve for the succeeding term on said Board or to fill the vacancy for the remainder of the unexpired term, as the case may be. (Ord. 2098, 1975; Ord. 1956 § 2, 1973)

SECTION 3: Section 2.40.021 of the Monterey County Code is amended to read as follows:

2.40.021 Members appointed in rotational order.

Members of the Assessment Appeals Board shall be nominated by Supervisorial District in rotational order corresponding to the Supervisorial Districts' numerical order, 1 through 5. The rotational order for nomination of members beginning in 2015 shall be as follows:

<u>Regular Member</u>	
<u>Year</u>	<u>District</u>
2015-2018	5
2016-2017	2
2016-2019	1
2017-2020	2
2018-2021	3
2019-2022	4
2020-2023	5
2021-2024	1
2022-2025	2
2023-2026	3
2024-2027	4
2025-2028	5
2026-2029	1
2027-2030	2
2028-2031	3
2029-2032	4

(Ord. 3802, 1995)

SECTION 4: Section 2.40.030 of the Monterey County Code is amended to read as follows:

2.40.030 Alternate Members.

The Board of Supervisors may appoint two alternate members of the Assessment Appeals Board. Whenever any regular member of the Board is temporarily unable to act as a member of the Assessment Appeals Board, an alternate member may sit on the Board and shall have the same authority to act as a regular member. For the purpose of reestablishing the staggering of terms, the term of each alternate member shall be three years for members appointed before 2018, and the term of each alternate member appointed in 2018 or thereafter shall be two years. The term shall begin on the first Monday in September for the year designated by the Board of Supervisors at the time of appointment. Not less than sixty (60) days prior to the expiration of

the term of office of an alternate member or upon the occurrence of any vacancy among alternate members, the Board of Supervisors shall appoint a person to serve as alternate member for the succeeding term or to fill the vacancy for the remainder of the unexpired term, as the case may be. (Ord. 3802, 1, 1995; Ord. 2457 (part), 1978; Ord. 1956 § 3, 1973)

SECTION 5: Section 2.40.031 of the Monterey County Code is amended to read as follows:

2.40.031 Alternate members appointed in rotational order.

Alternate members of the Assessment Appeals Board shall be nominated by Supervisorial Districts in rotational order corresponding to the Supervisorial Districts' numerical order, 1 through 5. The rotational order for nomination of alternate members for full terms beginning in 2015 and for vacancies prior to 2015 shall be as follows:

Alternate Member 1

<u>Year</u>	<u>District</u>
2012-2015	5
2015-2018	3
2018-2020	5
2020-2022	2
2022-2024	4
2024-2026	1
2026-2028	3
2028-2030	5
2030-2032	2
2032-2034	4
2034-2036	1

Alternate Member 2

<u>Year</u>	<u>District</u>
2013-2016	1
2016-2019	4
2019-2021	1
2021-2023	3
2023-2025	5
2025-2027	2
2027-2029	4
2029-2031	1
2031-2033	3
2033-2035	5
2035-2037	2

(Ord. 3802, 1995)

SECTION 6: Section 2.40.032 is added to the Monterey County Code to read as follows:

2.40.032 Member nomination upon vacancy.

In the event of a vacancy on the Board or a vacancy among alternate members, the nomination of a new member or alternate member to serve for the remainder of the unexpired term shall be made by the same Supervisorial District that made the nomination of the member or alternate member who vacated the office.

SECTION 7: Section 2.40.050 of the Monterey County Code is amended to read as follows:

2.40.050 Powers.

The Board shall constitute the Board of Equalization for the County of Monterey. The Board shall have the power to equalize the valuation of the taxable property in the County of Monterey for the purpose of taxation in the manner provided for in Section 16 of Article 13 of the Constitution of the State of California and California Revenue and Taxation Code. All general laws pertaining to County Boards of Equalization shall be applicable to the Board. The Board shall be subject to the rules adopted by the Board of Supervisors in accordance with the provisions of Section 16 of Article 13 of the Constitution of the State of California. (Ord. 1956 §5, 1973)

SECTION 8: Section 2.40.060 of the Monterey County Code is amended to read as follows:

2.40.060 Eligibility; Disqualification; Conflict of interest; Challenge and removal.

Eligibility, disqualification, conflict of interest, peremptory challenge and removal of members shall be as provided by Article 1.5 (commencing with Section 1620, Chapter 1, Part 3, Division 1) of the California Revenue and Taxation Code. Members and alternate members of the Assessment Appeals Board shall be included in the Clerk of the Board's conflict of interest code in accordance with the California Political Reform Act. (Ord. 1956 § 6, 1973)

SECTION 9: Section 2.40.070 of the Monterey County Code is amended to read as follows:

2.40.070 Compensation.

A. Each member of the Assessment Appeals Board, including the alternate member(s), shall receive as compensation for his or her services the sum of one hundred thirty dollars (\$130.00), minus normal payroll deductions, plus meal reimbursement and a mileage allowance in an amount equal to the mileage allowance provided Monterey County elected officials, for each day the member or alternate is serving as a Board member at a Board meeting

and when the member or alternate member is participating in an Assessment Appeals Board educational training or workshop.

B. An alternate member or members shall be entitled to compensation, per diem, plus meal reimbursement and mileage pursuant to Subparagraph A above whenever the Assessor or Assessor's designee determines in advance that a matter pending before the Assessment Appeals Board is likely to be complex and protracted and that the alternate or alternates may be required to serve as a member of the Assessment Appeals Board after the hearing on the matter. (Ord. 4264A § 1, 2005; Ord. 3802, 1995; Ord. 3510, 1991; Ord. 1956 § 4, 1973)

SECTION 10: The Table of Contents of Chapter 2.40 is amended to add Section 2.40.032 as follows:

2.40.032 Member nomination upon vacancy.

SECTION 11: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, subsections, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 12: This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

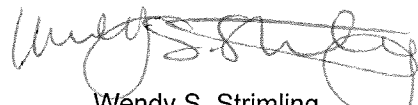
Louis R. Calcagno, Chair
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:


Wendy S. Strimling,
Senior Deputy County Counsel