



Monterey County

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Board Report

Legistar File Number: ORD 16-010

March 08, 2016

Introduced: 2/26/2016

Version: 1

Current Status: Agenda Ready

Matter Type: Ordinance

- a. Introduce, waive reading, and set March 8, 2016 at 10:30 a.m. to consider adoption of an ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law; and
- b. Direct the Clerk of Board to publish the summary five days prior to set date of March 22, 2016 and within 15 days of adoption in The Salinas Californian.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Introduce, waive reading, and set March 8, 2016 at 10:30 a.m. to consider adoption of an ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law; and
- b. Direct the Clerk of Board to publish the summary five days prior to set date of March 22, 2016 and within 15 days of adoption in The Salinas Californian.

SUMMARY/DISCUSSION:

The County's Documentary Transfer Tax ordinance was originally adopted in 1967, has been regularly updated to reflect changes in the law and procedure, and allows for collecting administrative fees associated with documenting the transfer of real property, whether or not such transfer of property interest is recorded. The proposed amendment reflects and conforms with current state law related to the now repealed option for a party to request a separate transfer tax statement. Importantly, the amendment would reflect and recognize the current state law regarding the amendment of sections 11932 and 11933 of the Revenue and Taxation Code to delete the ability of a recording party to require that, upon request, the amount of tax due be shown on a separate paper affixed to the document.

The recommended action does not adjust or change the amount or the method of calculating the existing Documentary Transfer Tax; it only implements current state law to effectuate transparency of all transactions conducted in the County of Monterey.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the recommended action and Ordinance as to form and legality.

FINANCING:

The recommended action will result in no change to the existing charges and rates. The charges will continue to be collected by the Recorder on behalf of the County (100% General Fund) for unincorporated property transfers and on behalf of the related City and County (50/50% split) for property transfers within incorporated areas. The recommended action will not impact the

County General Fund contribution.

Prepared by: Corina Morgan, Finance Manager, x5821

Approved by: Stephen L. Vagnini, Assessor-County Clerk-Recorder, x5803

Attachments:

Proposed Ordinance-Clean

Proposed Ordinance-Strike Out