



Legislation Details (With Board Report)

File #: 14-514 **Name:** Amend Chapter 2.40 of the Monterey County Code
Type: General Agenda Item **Status:** Passed
File created: 5/12/2014 **In control:** Board of Supervisors
On agenda: 5/20/2014 **Final action:** 5/20/2014

Title: Introduce, waive reading, and conduct a hearing on a proposed ordinance to amend Chapter 2.40 of the Monterey County Code to modify procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board and set June 3, 2014 at 10:30 a.m. as the date and time to consider adoption of the ordinance.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Ordinance - redline version, 3. Proposed appointment schedule, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
5/20/2014	1	Board of Supervisors	approved	Pass

Introduce, waive reading, and conduct a hearing on a proposed ordinance to amend Chapter 2.40 of the Monterey County Code to modify procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board and set June 3, 2014 at 10:30 a.m. as the date and time to consider adoption of the ordinance.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Introduce, waive reading, and conduct a hearing on an ordinance (Attachment A) to amend Chapter 2.40 of the Monterey County Code to modify procedures relating to the appointment and terms of members and alternate members of the Monterey County Assessment Appeals Board and set June 3, 2014 at 10:30 a.m. as the date and time to consider adoption of the ordinance.

SUMMARY:

Chapter 2.40 of the County Code currently provides for regular and alternate members of the Assessment Appeals Board to be nominated by Supervisorial Districts on a rotating basis; however, over time, the rotational order has gotten off track, resulting in more than one member's term expiring in the same year, which could result in change or loss of the quorum of the AAB in a single year. Due to lack of clarity regarding filling vacancies of unexpired terms and different rotational schedules for members and alternates, some Supervisorial Districts inadvertently ended up with more nominations than others. The recommended changes to the appointment schedule and other administrative changes would fix these problems. It will reduce the likelihood that a quorum of the AAB members' terms would expire in the same year and will provide clarity regarding appointment sequences.

The proposed ordinance (Attachment A) would amend Chapter 2.40 of the Monterey County Code to: codify the appointment schedule for regular and alternate members to the Assessment Appeals Board (Attachment C) by approving a one year term for the regular member nominated by District 2 in 2016 and changing alternate member term limits from three to two years for appointments of alternates in or after 2018 to create staggered

terms; add Section 2.40.032 to clarify the process for member nominations upon a vacancy; change the month when term appointments begin from June to September to conform to a change in State law governing assessment appeals; and direct the addition of the Assessment Appeals Board members to the Clerk of the Board's conflict of interest code.

DISCUSSION:

The AAB provides a quasi-judicial forum for taxpayers to appeal the Assessor's property tax assessments. The role of the AAB and its continued operation is vital to the County. In the context of property tax assessment appeals, the AAB has authority to determine the fair market value of property, remove a penalty assessment imposed by the Assessor, and determine other matters related to property tax assessment.

State law enables the Board of Supervisors to establish and appoint a three member AAB with each board member having a three year term. State law also allows the Board of Supervisors to appoint alternate members who may sit on the AAB when a regular member is temporarily unable to participate, but state law does not specify the number of alternates nor the length of their terms. The County adopted Ordinance No. 1956 in 1973, establishing two alternate member seats. An amendment to the ordinance made in 1994 extended alternate member terms from two to three years. While the prior modification to term lengths for alternate members provided concurrent terms for members and alternates, the change of alternate member terms eliminated the possibility of staggered terms and nomination by all five district offices on a consistent schedule, and has resulted in confusion as to which Supervisorial District has the next appointment. Consequently, two of the regular members' terms and one alternate member's term expire in the same year, which could impact the Board's ability to maintain a quorum and hear assessment appeal applications timely.

Given that the proposed nomination schedule listed in the ordinance would expire in year 2029 for regular members and years 2034-35 for alternate members, the Clerk of the Board's office could continue the rotational order for nomination of members as referenced in the amended Ordinance, or the Board of Supervisors could revise the Ordinance to update the rotational order for nominations at that time.

Additional administrative changes to the ordinance are recommended to reflect changes in state law requiring board member terms to begin on the first Monday in September. In accordance with the California Political Reform Act, the ordinance also directs that members and alternate members of the AAB be added to the Clerk of the Board's conflict of interest code.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the ordinance as to form. The Assessment Appeals Board and the Office of the Assessor concur with this recommendation.

FINANCING:

There are no fiscal impacts to the General Fund with this recommendation.

Prepared by: Lucila Sanchez, Management Analyst, x5841

Approved by: Gail T. Borkowski, Clerk of the Board of Supervisors

Attachments:

Attachment A - Ordinance (Clean Version)

Attachment B - Ordinance (Redlined version)

Attachment C - Proposed appointment schedule