



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	16-1263	Name:	Finding of Facts Refund
Type:	General Agenda Item	Status:	Passed
File created:	11/3/2016	In control:	Board of Supervisors
On agenda:	6/20/2017	Final action:	6/20/2017
Title:	a. Authorize the Clerk of the Board of Supervisors to process a request to refund \$500.00 to Donna Lynn Buchholz, which is a refund of the deposit for the preparation of written Findings of Facts for Assessment Appeals Application No. A2015-00197, which was resolved via stipulation on October 14, 2016; and b. Authorize the Auditor/Controller to issue a refund in the amount of \$500.00.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Receipt for payment of Written Finding of Facts Fee, 3. Completed Board Order

Date	Ver.	Action By	Action	Result
6/20/2017	1	Board of Supervisors	approved	Pass

- a. Authorize the Clerk of the Board of Supervisors to process a request to refund \$500.00 to Donna Lynn Buchholz, which is a refund of the deposit for the preparation of written Findings of Facts for Assessment Appeals Application No. A2015-00197, which was resolved via stipulation on October 14, 2016; and
b. Authorize the Auditor/Controller to issue a refund in the amount of \$500.00.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Clerk of the Board of Supervisors to process a request to refund \$500.00 to Donna Lynn Buchholz, which is a refund of the deposit for the preparation of written Findings of Facts for Assessment Appeals Application No. A2015-00197, which was resolved via stipulation on October 14, 2016; and
b. Authorize the Auditor/Controller to issue a refund in the amount of \$500.00.

SUMMARY:

On November 9, 2015, the Application for Changed Assessment Number A2015-00197 was filed in the office of the Clerk of the Board by Pamela H. Silkwood, representing Donna Lynn Buchholz. The attorney for the applicant submitted a \$500.00 deposit for preparation of written Findings of Fact at the time of filing the application. Pursuant to the Board of Supervisors' order date July 31, 2001 and Rule 9 of the Rules of Procedure of the Monterey County Assessment Appeals Board (AAB), the AAB charges a fee of \$125 per hour to cover the cost of writing Findings of Fact, if the matter goes to hearing and if written Findings of Fact are requested; a deposit of \$500 against the full cost is required prior to the close of the AAB hearing on the application.

DISCUSSION:

Prior to the hearing in this case, the applicant and Assessor's office agreed to a stipulated value, and hence, no hearing occurred and no Findings of Facts were prepared. Accordingly, the deposit must be refunded.

The Clerk of the Board of Supervisors has no authority to refund the fee, and therefore requests the Board to

authorize the Auditor to refund the Findings of Fact deposit in the amount of \$500.00 to Donna Lynn Buchholz.

OTHER AGENCY INVOLVEMENT:

County Counsel concurs with the recommendation for a refund.

FINANCING:

There is no financial impact to the Clerk of the Board's budget. The fee was deposited into the County Counsel Department budget. Therefore, the refund would be paid from 001-1210-8057 COU001-5475.

Prepared by: Iracema Lopez, Board Clerk x5066

Approved by: Gail T. Borkowski, Clerk of the Board of Supervisors x5066

Attachments:

Receipt for payment of Written Finding of Facts fee