



County of Monterey

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

Legislation Details (With Board Report)

File #:	WRAG 20-253	Name:	Oliveira Assessment Appeal
Type:	WR General Agenda	Status:	Agenda Ready
File created:	6/4/2020	In control:	Water Resources Agency Board of Directors
On agenda:	6/15/2020	Final action:	
Title:	a. Hold a public hearing to consider an appeal on assessment charges for Zone 2C, 2Y and 2Z for APN (Assessor's Parcel Number) 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira; and b. Adopt a Resolution to approve Monterey County Water Resources Agency's staff recommendation to uphold Zone 2C, 2Y, and 2Z assessment charges for APN 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. January 15, 2020 Letter to Property Owners, 3. April 24, 2020 Letter to Property Owners, 4. Zone 2C, 2Y and 2Z map, 5. GPS Map of APN, 6. Resolution

Date	Ver.	Action By	Action	Result
6/15/2020	1	Water Resources Agency Board of Directors		

- a. Hold a public hearing to consider an appeal on assessment charges for Zone 2C, 2Y and 2Z for APN (Assessor's Parcel Number) 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira; and
- b. Adopt a Resolution to approve Monterey County Water Resources Agency's staff recommendation to uphold Zone 2C, 2Y, and 2Z assessment charges for APN 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

- a. Hold a public hearing to consider an appeal on assessment charges for Zone 2C, 2Y and 2Z for APN (Assessor's Parcel Number) 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira; and
- b. Adopt a Resolution to approve Monterey County Water Resources Agency's staff recommendation to uphold Zone 2C, 2Y, and 2Z assessment charges for APN 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency's ("MCWRA") Ordinance Number 3910 ("Ordinance") attached hereto as part of the April 24, 2020 MCWRA letter to Property Owners. The Ordinance provides a uniform administrative remedy to challenge the imposition of property-related assessments, charges, and to challenge determinations of MCWRA staff relating to granting or denial of variances and the enforcement of ordinances.

Steve Oliveira and Lynette Oliveira, the property owners ("Property Owners") of APN 421-161-048-000 located on 58125 Pine Valley Road, San Ardo, CA 93450 ("Parcel") request a hearing before MCWRA's Board of Directors ("BOD") to challenge property-related assessments for Zones 2C, 2Y and 2Z charged to the Parcel.

Following an MCWRA internal review of its 2019-2020 tax roll, staff found that APN 421-161-048-000 had been omitted from the tax roll. Staff did initial review to determine the cause of this omission and found none. As a result, the parcel was added to the 2019-2010 tax roll and charges were added to the Parcel's tax bill in the amount of \$1,171.70.

On October 2019, the Property Owners reached out to MCWRA staff requesting additional clarification on the charges and upon further review of the Parcel details, staff found discrepancies related to acreage and Zone 2C subarea classification of the Parcel. These discrepancies resulted in a reduction to the assessments in an amount to be determined at that point. The information was related to the Property Owners via email along with a request that they provide additional questions/concerns.

During the period of October 2019 to January 2020, MCWRA and the Property Owners communicated via email on concerns the Property Owners had regarding the validity of the assessments and the attached letter lists chronologically the communications between MCWRA staff and Property Owners. The letter was sent to the Property Owners on January 15, 2020 with the steps to follow in order to have a hearing before the MCWRA BOD.

In a letter dated April 24, 2020, the MCWRA General Manager provided a recommendation that the Zone 2C, 2Y and 2Z on APN 421-161-048-000 assessments totaling \$568.80 were valid. This was a decrease of \$601.90 from the original tax bill of \$1,171.70 due to corrections to the parcel acreage and subarea reclassification. The decision to uphold the \$568.80 was based on the factual basis for the appeal that APN 421-161-048-000 "is located beyond the reach of accessibility of the Salinas River Basin". In a map provided to the Property Owners and attached hereto, the Agency provided an overview of the boundaries for Zones 2C, 2Y and 2Z and an additional Geographic Information System (GIS) map, attached hereto, shows the geographic location of the Parcel within the boundaries of these zones. In said document, the Parcel is clearly identified within the boundaries of these Zones. To the extent of the benefits received by the Parcel under these zones, the Zone 2C Engineer's Report determined that parcels within Zone 2C received different benefits based on their geographical location. The Parcel is located within the Upper Valley and it is assessed as such.

MCWRA staff has followed the necessary steps to ensure the validity of these assessments and although the two parties were not able to come to an agreement, staff recommends the MCWRA BOD upholds the Zone 2C, 2Y and 2Z assessments on the Parcel.

OTHER AGENCY INVOLVEMENT:

Monterey County Counsel's Office advised and reviewed this report.

FINANCING:

The financial impact of this item will be the continued receipt of assessment revenue for this parcel. For FY 2019-20 Zone 2C assessment were \$253.07, Zone 2Y \$75.70, and Zone 2Z \$231.03 for a combined total of \$569.80.

Prepared by: Fabricio Chombo, Finance Manager II, (831) 755-4860

Approved by: Brent Buche, General Manager, (831) 755-4860

Attachments:

1. January 15, 2020 MCWRA letter to Property Owners
2. April 24, 2020 MCWRA letter to Property Owners
3. Zone 2C, 2Y and 2Z Map
4. GPS Map of APN
5. Resolution