

File No. 170836

Committee Item No. 2

Board Item No. 24

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date November 15, 2017

Board of Supervisors Meeting

Date November 28, 2017

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER (Use back side if additional space is needed)

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Completed by: Alisa Somera

Date November 9, 2017

Completed by: Linda Wong

Date November 15, 2017

FILE NO. 170836

ORDINANCE NO.

1 [Administrative Code - Requesting Findings From Assessment Appeals Board]

2  
3 **Ordinance amending the Administrative Code to require parties to pay a refundable**  
4 **deposit when requesting written findings from the Assessment Appeals Board, and to**  
5 **establish procedures concerning the waiver and renewal of requests for written**  
6 **findings.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Administrative Code is hereby amended by revising Section 2B.11, to  
16 read as follows:

17 **SEC. 2B.11. FEE FOR FINDINGS ~~OF FACT.~~**

18 (a) Pursuant to California Revenue and Taxation Code Section 1611.5 and Property Tax  
19 Rules 308 and 325 under Title 18 of the California Code of Regulations, if either the Applicant or the  
20 Assessor desires written findings of fact and conclusions of law ("findings"), that party shall submit a  
21 written request for findings to the Clerk of the Assessment Appeals Board before commencement of the  
22 hearing. The requesting party shall also pay the Assessment Appeals Board (1) a \$215 deposit to cover  
23 the first hour of time that the County will spend to prepare the findings, which deposit shall be due  
24 before the conclusion of the hearing; The fee payable to the Assessment Appeals Board to prepare the  
25 findings of fact pursuant to California Revenue and Taxation Code Section 1611.5 shall be and 2) a  
\$215.00 fee for every ~~per~~ additional hour for the time spent by the County to prepare the findings.

1 with a total maximum of 30 hours billed, for all applications filed on or after July 1, 2010, which  
2 shall be due within 30 days after the Clerk has informed the requesting party in writing of the total  
3 amount owed.

4 (b) A request for findings shall be deemed abandoned and ~~findings~~ finding fees shall be waived  
5 if any of the following occur: (1) the requesting party fails to pay the deposit before the conclusion of  
6 the hearing; (2) the requesting party fails to pay the total fee within 30 days after the Clerk of the  
7 Assessment Appeals Board has informed that party in writing of the total amount owed; (3) upon  
8 issuance of the notice of decision the Clerk requests written confirmation within 10 business days that  
9 the requesting party is still requesting findings and that party does not confirm; (4) the requesting party  
10 abandons its request orally on the record before the conclusion of the hearing; or (5) the requesting  
11 party informs the Clerk in writing that it wishes to abandon its request, provided that the findings have  
12 not already issued.

13 (c) If a party abandons its request for findings as set forth in subsection (b), the Assessment  
14 Appeals Board shall cause that party to receive a refund of any deposits or fees paid, unless the County  
15 has already spent one hour or more on the findings. In addition, the Clerk of the Assessment Appeals  
16 Board shall promptly notify all parties in writing that the request for findings has been abandoned and  
17 that any other party may renew the request by submitting a written request to the Clerk, accompanied  
18 by the required one-hour deposit, within 10 business days. If a renewed request for findings is deemed  
19 abandoned pursuant to subsection (b), there shall be no further opportunity to request findings, and the  
20 Assessment Appeals Board need not prepare the findings.

21 (d) Nothing in this Section 2B.11 shall be construed to prohibit the Assessment Appeals Board  
22 from preparing and issuing findings on its own motion at its own expense.

23 (e) Where an applicant files two or more applications at the same time affecting the  
24 same appraisal unit for the same tax year, the applicant shall be liable for a single findings of  
25 fact fee.

1 (fe) Revenues generated by the findings fees shall be used exclusively to pay  
2 expenses incurred by the County for producing the findings ~~of fact and conclusions of law~~.

3  
4 Section 2. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor's veto of the ordinance.

8  
9 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the "Note" that appears under  
14 the official title of the ordinance.

15  
16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19  
20 By:

  
21 MANU PRADHAN  
22 Deputy City Attorney

23  
24  
25  
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## LEGISLATIVE DIGEST

[Administrative Code - Requesting Findings From Assessment Appeals Board]

**Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.**

### Existing Law

A party appearing before the Assessment Appeals Board may request that the Board prepare written findings of fact and conclusions of law ("findings"). The Board charges a fee of \$215 per hour to cover the expense of preparing the findings, up to a maximum of 30 hours billed.

### Amendments to Current Law

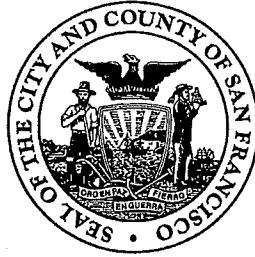
The proposed legislation clarifies the procedures for how parties may request findings, when a party's request for findings is deemed abandoned, and how a party may renew a request for findings that has been abandoned by the other party.

To request findings, a party would have to submit a written request to the Clerk of the Assessment Appeals Board, along with a \$215 deposit to cover the first hour of time spent preparing the findings. The remaining fee for every additional hour spent on the findings (up to a maximum of 30 hours billed) would become due within 30 days after the Clerk informed the requesting party in writing of the total amount owed. A party's request for findings would be deemed abandoned if that party did not submit the required payments; if upon issuance of a notice of decision the Clerk requested written confirmation within 10 business days that the requesting party is still requesting findings and that party did not confirm; or if the requesting party abandoned its request orally on the record or in writing. If a request were to be deemed abandoned, the other party would have an opportunity to renew the request by submitting a written request accompanied by the required \$215 deposit within 10 business days.

### Background Information

The proposed legislation codifies the existing practice of the Assessment Appeals Board and does not increase the existing fee for findings.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Dawn Duran, Staff Contact, Assessment Appeals Board  
Carmen Chu, Assessor-Recorder, Office of the Assessor-Recorder

FROM: *el for* Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: October 26, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Peskin on July 18, 2017:

**File No. 170836**

**Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Edward McCaffrey, Office of the Assessor-Recorder

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUL 18 PM 4:00  
Time stamp

or meeting date AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Peskin

Subject:

[Administrative Code - Requesting Findings From Assessment Appeals Board]

The text is listed:

Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.

Signature of Sponsoring Supervisor:

*[Handwritten Signature]*

For Clerk's Use Only

