

Phone (415) 554-6778
FAX (415) 554-6775
TDD (415) 554-5227
E-MAIL: AAB@sfgov.org



ASSESSMENT APPEALS BOARD
City Hall, Room 405
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4697

SPECIAL MEETING OF THE ASSESSMENT APPEALS BOARD

JOINT MEETING OF ASSESSMENT APPEALS BOARDS NO. 1, 2 AND 3 PURSUANT TO ADMINISTRATIVE CODE SECTION 2B.6

FRIDAY, APRIL 15, 2016
9:30 AM
CITY HALL, ROOM 406

1. Roll Call.
2. Selection of a Chairperson for the Joint Meeting.
3. Acknowledge and introduce attending Guests.
 - Douglas Legg, Deputy Director of Operations, Office of the Assessor/Recorder
 - Matthew Thomas, Chief Appraiser, Office of the Assessor/Recorder
 - Manu Pradhan, Deputy City Attorney
 - Andrew Shen, Deputy City Attorney
4. Public Comment for items on the agenda.
5. Introduction and discussion of a report by Matthew Thomas regarding the Assessor's implementation of invoking §441(d) and §441(h) of the California Revenue and Taxation Code.

Attachment, if any, to be posted within 72 hours of meeting.
6. Introduction, discussion and possible action regarding draft legislation implementing standard policies and procedures for allowing a party to renew a request for finding of fact when the original requesting party has waived or abandoned his or her request. (R&T Code § 1611.5 and Property Tax Rule 308(a).)

(See Attachment: Item 6)
7. Introduction, discussion and possible action on Assessment Appeals Boards' Salary and Benefits Survey completed by the SBE in May 2015.

(See Attachment: Item 7)
8. Introduction and discussion on various Assessment Appeals Board reports for the period ending March 31, 2016.

- A. Month and Year-to-Date AAB Activity
 - B. Pending Appeals for Board 1, Board 2 and Hearing Officer/Board 3
 - C. Hearing Activity
- (See Attachments: Items 8-A to 8-C)***
9. Update by Dawn Duran and Manu Pradhan, Deputy City Attorney, on legal issues and legislation pertaining to or affecting the Assessment Appeals Board.
- A. Litigation of Interest.
 - B. State Legislation.
 - C. State Board of Equalization.
- Attachments, if any, to be posted within 72 hours of meeting.***
10. Training – Overview and discussion on the following:
- A. General Ethics and Transparency in Government – presented by Andrew Shen.
 - B. Potential Conflicts of Interest – presented by Andrew Chen
 - C. Rules of Order and Role of the Chairperson– presented by Dawn Duran.
 - D. Various training sessions available online through BOE website.
- Attachments, if any, to be posted within 72 hours of meeting.***
11. Update on current Assessment Appeals Board seats and seats that are due to expire in September this year.
12. Open discussion regarding other local procedures, rules or matters effecting the Assessment Appeals Board.
13. Public Comment (for items *not on the agenda*, but under the jurisdiction of the Board).
14. Adjournment.

ATTACHMENT

ITEM 6

DRAFT

(NOTE: AS PROPOSED, THIS WOULD AMEND THE SF ADMINISTRATIVE CODE SECTION BY ADDING SEC. 2B.23, AND/OR INCORPORATE THE RULE INTO THE AAB LOCAL PROCEDURAL RULES.)

ASSESSMENT APPEALS BOARD

SEC.2B.23 PROCEDURES FOR RENEWING A REQUEST FOR FINDINGS OF FACT WHEN ABANDONED OR WAIVED BY THE ORIGINAL REQUESTING PARTY.

- (a) Pursuant to California Revenue & Taxation Code Sections 1603, 1611.5 and 1611.6 and Property Tax Rule 308, if either the applicant or the assessor desires written findings of fact, the request must be in writing and submitted to the Assessment Appeals Board clerk up to or at the commencement of the hearing.
- (b) Pursuant to California Revenue & Taxation Code Section 1611.5, and in accordance with San Francisco Administrative Code Section 2B.11, the fee payable to the Assessment Appeals Board to prepare findings of fact is \$215.00 per hour for the time spent by the County, with a total maximum of 30 hours billed. A deposit equal to one hour must be made prior to the conclusion of the hearing. The requesting party will be billed for any additional time spent (up to 30 hours) over the initial one-hour paid deposit. Additional charges to the requesting party must be paid in full prior to transmittal of the Board's findings. If, at the conclusion of the hearing, a party requesting finding of fact has failed to pay the required one-hour deposit, the Assessment Appeals Board need not prepare written findings.

Attachment - Item 6

(c) The requesting party may abandon or waive its request for findings of fact at the conclusion of the hearing or upon issuance of the Board's decision. If the requesting party abandons or waives its request for written findings, the other party may renew the request, in writing, within ten business days of written notification by the Assessment Appeals Board. Written request from the other party must be accompanied with payment of the required one-hour deposit. If the required deposit is not received or postmarked within ten business days from the Assessment Appeals Board's notification, written findings of fact need not be prepared.

DRAFT

ATTACHMENT

ITEM 7

CALIFORNIA ASSESSORS' OFFICES AND ASSESSMENT APPEALS BOARDS' SALARY AND BENEFITS SURVEY

MAY 2015

CALIFORNIA STATE BOARD OF EQUALIZATION

SEN. GEORGE RUNNER (RET.), LANCASTER

FIONA MA, CPA, SAN FRANCISCO

JEROME E. HORTON, LOS ANGELES COUNTY

DIANE L. HARKEY, ORANGE COUNTY

BETTY T. YEE, SACRAMENTO

FIRST DISTRICT

SECOND DISTRICT

THIRD DISTRICT

FOURTH DISTRICT

STATE CONTROLLER

CYNTHIA BRIDGES, EXECUTIVE DIRECTOR



Attachment - Item 7

Salaries of Assessment Appeals Board Members²

COUNTY	SALARY	MISCELLANEOUS BENEFITS
Alameda	\$200 per hearing	
Butte	\$40 half day/\$75 full day	Mileage reimbursement at IRS rate for appeals board business and training; meal reimbursement for training
Calaveras	\$65 per meeting	
Contra Costa	\$200 half day/\$300 full day/\$400 per day for consecutive day appeals	
El Dorado	\$100 per day, \$50 per 4 hour session	Mileage \$.575 per mile; \$12 lunch
Fresno	\$100 per day	
Humboldt	\$40 half day/\$75 full day	Mileage \$.575 per mile; \$13 for lunch if full day
Imperial	\$150 half day/\$200 full day	
Kern	\$125 half day/\$200 full day	Meals for full day training; mileage if more than 20 miles
Los Angeles	\$150 per session up to 4 hours \$225 per session between 4-6 hours \$300 per session over 6 hours	
Madera	\$100 per day	Mileage \$.575 per mile
Marin	\$131.25 half day/\$262.50 full day	\$32.81 per hour for preparation of findings of fact
Mariposa	\$30 half day/\$50 full day	Mileage
Merced	\$100 per session; additional \$50 for session time over 4 hours	
Mono	\$125 per session	Mileage
Monterey	\$130 per session	Mileage; no limit on meals
Nevada	\$75 half-day/\$150 full day member \$85 half-day/\$160 full day chair	Mileage; \$.575 per mile
Orange	\$125 half-day/\$250 full day	Parking
Placer	\$100 per meeting	Any actual expenses, incidental to the proper execution of their duties, including travel and other expenditures necessitated by their official duties.
Riverside	\$300 per day	Mileage \$.575 per mile
Sacramento	\$100 half day/\$200 full day	Parking

² Since the boards of supervisors sit as the local boards of equalization in the following counties, there are no assessment appeals boards: Alpine, Amador, Colusa, Del Norte, Glenn, Inyo, Kings, Lake, Mendocino, Modoc, Napa, Plumas, San Benito, Sierra, Tehama, Trinity, and Tuolumne.

Salaries of Assessment Appeals Board Members

COUNTY	SALARY	MISCELLANEOUS BENEFITS
San Bernardino	\$150 9 am – 12 pm/\$200 after 12 pm	Mileage
San Diego	\$100 per day	Mileage
San Francisco	\$100 per session (2.5 hours)	
San Joaquin	\$100 per 3 hour session; up to \$200 per day	
San Luis Obispo	\$150 per day	Mileage
San Mateo	\$300 per meeting	Mileage \$.575 per mile
Santa Barbara	\$250-\$300 per meeting, depends on complexity	Mileage \$.575 per mile
Santa Clara	\$300 per day	Mileage; meals per diem
Santa Cruz	\$75 per meeting	Mileage, meals, and parking if travel is for training
Shasta	\$75 per day; \$40 half day	
Siskiyou	\$100 per day	Mileage \$.575 per mile
Solano	\$100 for half-day, \$200 full day, \$400 for consecutive hearing days.	\$25 per hour document review and prepare for complex assessment appeal cases
Sonoma	\$75 half day/\$125 full day	
Stanislaus	\$75 half day/\$150 full day	Lunch during full day; mileage for training
Sutter	\$200 per session	Over 2 hours officers are paid additional \$50 per hour each hour thereafter
Ventura	\$100 half day/\$200 full day	Mileage \$.575 per mile
Yolo	\$125 half day/\$175 full day	
Yuba	\$75 per hour with 2 hour minimum & no maximum	

ATTACHMENT

ITEMS 8-A TO 8-C



ASSESSMENT APPEALS BOARD
2015/2016 Fiscal Year Activity Report
 period ending March 31, 2016

BOARD DECISIONS	March 2016	Fiscal Year 2015/2016	<i>Same Time Last Year</i>	
			Month	YTD
Assessed Value Increased by the Assessor	0	0	0	0
Assessed Value Increased by the Board	0	0	0	0
Assessed Value Lowered to Assr Recommendation	3	12	2	5
Assessed Value Lowered by the Board	18	161	26	642
Lowered by Board, but Higher than Assessor Value	0	1	0	0
Assessment Canceled by the Board	(1)	11	0	4
Appeals Denied by the Board	11	67	4	126
Appeals Denied for Lack of Appearance	9	151	30	304
Appeals Denied for Lack of Jurisdiction	0	0	0	0
Verbal Stipulations Approved by the Board	6	211	14	249
Written Stipulations Approved by the Board	1	8	12	25
Stipulations Denied by the Board	0	0	0	0
Penalty Abated	1	4	1	3
Admin Rejected – Invalid Applications	5	81	584	692
SUBTOTAL	53	707	673	2,050
Applications Withdrawn by the Taxpayer	118	2,988	230	1,832
NUMBER OF CLOSED APPEALS	171	3,695	903	3,882
OPEN APPLICATIONS	2015/2016 Year-to-Date		Same Time Last Year	
Applications with Deadlines by September 30, 2016	20		388	
Appeals to decide per month (6 months)	3		65	
Number of Open Applications - Waived Deadlines	1,183		1,657	
Number of Open Applications - Deadlines past 9/30/16	426		2,906	
(Total New Applications filed in 15/16 = 1,167 CY 15/16 = 925 / Previous Years = 242)	(New = 1,167)		(New = 2,549)	
TOTAL NUMBER OF OPEN APPLICATIONS	1,629		4,951	
POTENTIAL PROPERTY TAX IMPACT from OPEN APPLICATIONS				
	Current 15/16 Tax Year	Prior Tax Years	2015/16 FY TOTAL	Total - Same Time Last Year
Value Appealed (Secured & Unsecured)	\$9,712,871,118	\$20,116,871,202	\$29,829,742,320	\$61,100,322,721
Taxpayer Opinion of Value	\$6,011,604,006	\$10,754,978,993	\$16,766,582,999	\$34,593,657,133
Net Difference	\$3,701,267,112	\$9,361,892,209	\$13,063,159,321	\$26,506,665,588
POTENTIAL PROPERTY TAX IMPACT	\$43,952,547	\$109,871,740	\$153,824,287	\$303,049,243
REVENUE (adjusted for 6-month reconciliation)	March 2016	2015/2016 YTD	<i>Same Time Last Year</i>	
			Month	YTD
Filing Fees (including adjustments for returned checks)	\$2,400	\$65,280	\$3,840	\$161,040
Hearing Fees	\$3,700	\$39,450	\$6,350	\$38,200
Finding of Fact Fees	\$430	\$6,773	\$645	\$2,795
Miscellaneous Fees	\$6	\$469	\$0	\$271
Refunded Fees (includes adj for returned filing fees)	\$0	(\$4,760)	(\$60)	(\$4,550)
TOTAL REVENUE	\$6,536	\$107,212	\$10,775	\$197,756

Attachment - Item 8 - A



ASSESSMENT APPEALS REPORT
OPEN and/or PENDING APPLICATIONS
2015/2016 Fiscal Year Activity Report
 period ending March 31, 2016

Type of Appeal	With 2-Year Deadlines to Meet		Waived 2-Year Deadlines		TOTAL NUMBER OF OPEN APPLICATIONS	
	Bd 1	Bd 2	Bd 1	Bd 2	Bd 1	Bd 2
Secured Real Estate	239	118	718	171		
Personal Property	17	63	14	276		
Possessory Interest	9	0	4	0		
TOTAL NUMBER OF OPEN APPLICATIONS	265	181	736	447	1,001	628
# of Cases Pending Findings	0	0	4	2	4	2

446

1,183

TOTAL NUMBER OF AAB OPEN APPLICATIONS = 1,629 APPLICATIONS PENDING FOR THE HEARING OFFICER PROGRAM = 90 (5.5%)

FOOTNOTES for all Board 1 applications:

- (1) Board 1 applications that are pending Findings: Leichtling & Stern Family Trust (2010-2349); George Hauser (2013-5016); Jimmy Lim (2013-3348); and Capstar SF (2010-2569)
- (2) Number of open applications include requests for Hearing Officer located within block/lot area of Board 1

FOOTNOTES for all Board 2 applications:

- (1) Board 2 applications that are pending Findings: David Rea (2013-0821) and Duri Tangri (2012-5343)
- (2) Number of open applications include requests for Hearing Officer located within block/lot area of Board 2

Attachment-Item 8B

ASSESSMENT APPEALS BOARD
2015/2016 Fiscal Year Hearing Activity Summary
for period ending March 31, 2016

	Number of Hearing Sessions Scheduled			Number of Appeals Scheduled			Number of Appeals Withdrawn			Number of Appeals Postponed			Number of Appeals Decided		
			%			%		%		%		%		%	
7/1/2015 Amended															
Board 1	12	169		58			85		26						
Board 2	7	97		42			42		13						
Board 3	7	43		8			11		24						
Hearing Officer	3	45		5			11		29						
Admin Hearings	2	96		14			65		17						
Total	31	450	100%	127	28.22%		214	47.56%	109	24.22%					
August-15															
Board 1	17	1066		511			517		38						
Board 2	7	135		41			72		22						
Board 3	2	14		0			11		3						
Hearing Officer	9	135		52			27		56						
Admin Hearings	2	81		6			41		34						
Total	37	1431	100%	610	42.63%		668	46.68%	153	10.69%					
September-15															
Board 1	9	109		36			48		25						
Board 2	2	32		2			25		5						
Board 3	0	0		0			0		0						
Hearing Officer	3	55		37			0		18						
Admin Hearings	0	0		0			0		0						
Total	14	196	100%	75	38.27%		73	37.24%	48	24.49%					
October-15															
Board 1	14	182		97			58		27						
Board 2	9	163		100			45		18						
Board 3	2	13		6			0		7						
Hearing Officer	6	90		32			26		32						
Admin Hearings	2	36		10			24		2						
Total	33	484	100%	245	50.62%		153	31.61%	86	17.77%					
November-15															
Board 1	10	174		27			138		9						
Board 2	7	191		95			90		6						
Board 3	4	40		12			24		4						
Hearing Officer	10	173		72			25		76						
Admin Hearings	4	135		36			87		12						
Total	35	713	100%	242	33.94%		364	51.05%	107	15.01%					
December-15															
Board 1	11	123		81			29		13						
Board 2	4	90		2			71		17						
Board 3	3	28		4			16		8						
Hearing Officer	4	46		35			0		11						
Admin Hearings	3	12		2			9		1						
Total	25	299	100%	124	41.47%		125	41.81%	50	16.72%					
Subtotal YTD															
	175	3,573	100%	1,423	40%		1,597	45%	553	15%					

ASSESSMENT APPEALS BOARD
2015/2016 Fiscal Year Hearing Activity Summary
for period ending March 31, 2016

	Number of Hearing Sessions Scheduled			Number of Appeals Scheduled			Number of Appeals Withdrawn			Number of Appeals Postponed			Number of Appeals Decided		
			%			%		%		%		%		%	
January-16															
Board 1		12		620			258			342			20		
Board 2		6		81			32			45			4		
Board 3		3		29			5			9			15		
Hearing Officer		3		48			21			8			19		
Admin Hearings		3		140			28			99			13		
Total		27		918	100%		344	37.47%		503	54.79%		71	7.73%	
February-16															
Board 1		23		823			456			354			13		
Board 2		5		83			25			54			4		
Board 3		0		0			0			0			0		
Hearing Officer		4		60			11			4			45		
Admin Hearings		2		38			8			21			9		
Total		34		1,004	100%		500	49.80%		433	43.13%		71	7.07%	
March-16															
Board 1		18		359			287			48			24		
Board 2		6		113			17			95			1		
Board 3		1		8			0			6			2		
Hearing Officer		4		77			54			11			12		
Admin Hearings		3		79			21			52			6		
Total		32		636	100%		379	59.59%		212	33.33%		45	7.08%	
April-16															
Board 1		0		0			0			0			0		
Board 2		0		0			0			0			0		
Board 3		0		0			0			0			0		
Hearing Officer		0		0			0			0			0		
Admin Hearings		0		0			0			0			0		
Total		0		0	#####		0	#DIV/0!		0	#DIV/0!		0	#DIV/0!	
May-16															
Board 1		0		0			0			0			0		
Board 2		0		0			0			0			0		
Board 3		0		0			0			0			0		
Hearing Officer		0		0			0			0			0		
Admin Hearings		0		0			0			0			0		
Total		0		0	#####		0	#DIV/0!		0	#DIV/0!		0	#DIV/0!	
June-16															
Board 1		0		0			0			0			0		
Board 2		0		0			0			0			0		
Board 3		0		0			0			0			0		
Hearing Officer		0		0			0			0			0		
Admin Hearings		0		0			0			0			0		
Total		0		0	#####		0	#DIV/0!		0	#DIV/0!		0	#DIV/0!	
2015/2016 FY															
		268		6,131	100%		2,646	43%		2,745	45%		740	12%	