

**ASSESSMENT APPEALS BOARD MINUTES
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA**

Monday, July 19, 2004

The Assessment Appeals Board of the County of San Luis Obispo, State of California, met in special session at 9:00 a.m., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

PRESENT: Appeals Board Members Mr. Tom Baron, Mr. Kem Weber, Chairperson Jenele Buttery
Ms. Trudy Jarrett, Alternate

ABSENT: Appeals Board Member None

Mr. Wyatt Cash, Deputy County Counsel, is present and represents the Assessment Appeals Board.

Ms. Linda Trahey, Ms.. Charron Sparks and Mr. Rod Hallin, Deputy Assessors, are present and sworn.

- (1) This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

Mr. Joe Kelly: addresses his hearing earlier this year and his disillusionment regarding the same; **(MR. TOM BORDONARO, COUNTY ASSESSOR IS NOW PRESENT.)**suggests the laws need to be followed, addressing the specifics of his case with respect to values for manufactured homes; addresses the valuation issue and using information from appraisals; suggests his information was from the Kelley Blue Book for his manufactured home and should have been allowed. **No action taken.**

- (2) **Minutes for the April 16, 2004 Appeals Board Hearing, are presented.** The Clerk indicates that several corrections were made to minutes from those that were originally prepared and the minutes today are the final corrected ones with those changes incorporated.

Thereafter, on motion of Mr. Baron, seconded by Mr. Weber and unanimously carried, the Board approves the minutes for the April 16, 2004 Appeals Board meeting as presented and the Chairperson is instructed to sign the same.

- (3) **This is the time set to nominate the Chairperson and Vice Chairperson for 2004-2005.**

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board appoints Mr. Tom Baron to serve as Chairperson for 2004-05.

Thereafter, on motion of Mr. Baron, seconded by Ms. Buttery and unanimously carried, the Board appoints Mr. Kem Weber to serve as Vice Chairperson for 2004-05.

OUTGOING CHAIRPERSON BUTTERY TURNS THE GAVEL OVER TO INCOMING CHAIRPERSON BARON.

- (4) **This is the time set for consideration of the Hearing Calendar for 2004-2005.**

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board approves the Hearing Calendar as presented.

- (5) **This is the time set for consideration of the Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board.**

Mr. Joe Kelly: addresses the issue of continuing education for the Appeals Board members and believes that ongoing education is important; addresses the role of the Appeals Board as he sees it.

Clerk: states the Policies are presented annually for this Board's approval and then they are to be forwarded to the Board of Supervisors for their approval; states there are no changes being recommended to the existing Policies.

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board approves the Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board as presented and the Clerk is instructed to forward the Policies to the Board of Supervisors for their approval.

- (6) **This is the time set for a discussion on the information change regarding the requirement of Witnesses.**

Clerk: addresses the memo to the Board regarding language in the informational pamphlet “How to Prepare for your Assessment Appeal Hearing” and questions raised by Mr. Joe Kelly on the requirement that the appraiser “must be present”; highlights the response from SBE on the language, changes that were made to address the suggested language by the SBE and reads the language they provided the Clerk which is now in the pamphlet; indicates this is an informational item only and no action is required.

Board Members: address various issues relating to the language with Mr. Cash responding as to the role of the Board.

Mr. Joe Kelly: addresses this issues and believes that Rule 313 says that hearsay evidence can be presented; comments on his evidence as it relates to information from the Kelley Blue Book; comments on Publication #30 from the SBE. **No action taken.**

- (7) **Application No. 2002-57, APN #027,145, 025; 027,145,026; 027,145,027; 027,145,028; and, 027,145,029, Fling Traylor, is presented.**

Clerk: states that Mr. Traylor had a family emergency and is not present and has signed the Waiver of Time; the request is to approve the continuance and the Waiver of Time.

(CHAIRPERSON BARON STEPS DOWN ON THIS MATTER INDICATING THAT MR. TRAYLOR HAS ASKED THAT HE DISQUALIFY HIMSELF AND VICE CHAIRPERSON WEBER TAKES OVER THE GAVEL.)

(ALTERNATE MEMBER TRUDY JARRATT IS NOW PRESENT.)

Vice Chairperson Weber: address his concern to Mr. Traylor’s request to disqualify Mr. Baron.

Ms. Buttery: believes that Mr. Traylor is making a mistake in asking that Mr. Baron be disqualified.

Thereafter, on motion of Ms. Buttery, seconded by Ms. Jarratt, with Chairperson Baron disqualifying himself, motion carries and the Board continues the matter to a date to be set by the Clerk and approves the Agreement and Waiver for Extension of Time for Hearing as presented and the Vice Chairperson is instructed to sign the same.

(VICE CHAIRPERSON WEBER TURNS THE GAVEL BACK OVER TO CHAIRPERSON BARON WHO IS NOW PRESENT.)

(ALTERNATE MEMBER TRUDY JARRATT IS NO LONGER SITTING BUT IS STILL PRESENT FOR THE MEETING)

- (8) **Application No. 2003-110, APN #091,283,065, Stephanie Greene is presented for determination as to whether it was timely filed.**

Ms. Stephanie Greene: addresses the problems she has had with the mail not being received at her residence and doesn’t want to have a post office box as she is on a fixed income; states she never received the Notice of Supplemental Assessment.

Ms. Trahey: states the Notice was mailed on October 22, 2003 and the last day to file an appeal would have been December 22, 2003.

Ms. Greene: states that the mail is a Federal problem and she is asking the Board take that into consideration.

Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and

unanimously carried, the Board denies Application No 2003-110 as being untimely filed.

- (8) **This is the time set for consideration of the Findings of Fact for Application Nos. 2001-37 and 2002-34, Sierra Vista Hospital, Inc., are presented.**

Mr. Cris O’Neill: attorney representing Sierra Vista Hospital Inc., addresses the status of the Findings for these applications; states they have agreed to include all pending Appeals applications on this when the Findings come back for approval; asks that this be continued to September to allow them to finalize the Findings with County Counsel.

Mr. Warren Jensen: Deputy County Counsel representing the Assessor, agrees with the comments by Mr. O’Neill.

Ms. Buttery: indicates she will not be present at the September hearing and questions whether that will create a problem in approving the Findings, with Mr. O’Neill indicating he believes two members can act on approval of the Finding and believes they can have the information out by August 20, 2004, with Ms. Buttery indicating she will provide something in writing regarding the Findings once she has received a draft.

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board continues the approval of the Findings of Fact for Application Nos. 2001-37 and 2002-34 to September 24, 2004.

- (9) **This is the time set for consideration of the proposed Findings of Fact for Application Nos. 2002-77 and 2003-55, Assessment #800,019,012, Mesa Air Group Inc..**

Mr. John Corum: representing Mesa Air Group, states they are in agreement with the Findings.

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board approves the Findings of Fact for Application Nos. 2002-77 and 200-3-55, Assessment #800,019,012, Mesa Air Group Inc. as presented and the Chairperson is instructed to sign the same.

- (10) **This is the time set to consider the request for a Waiver of Time for Application No. 2002-38, PAC Landing Corporation.**

No one appearing and thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, the Board approves the Agreement and Waiver for Extension of Time for Hearing for Application No. 2002-38, PAC Landing Corporation and directs the Chairperson to sign the same.

- (11) **This is the time for consideration of the Waiver of Time for Application No. 2002-60, Charter Communications Properties, LLC and draft letter to SBE regarding this application.**

Mr. John Corum: representing Charter Communications, states his client has a concern about the waiver and wants it for a limited time; after a discussion with the Clerk they have signed the waiver with a limitation on the time for the waiver.

Thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, the Board approves the Agreement and Waiver for Extension of Time for Hearing with a term to expire on April 30, 2005.

Mr. Cash: addresses the draft letter to the State Board of Equalization that he was directed to prepare; recommends approval of the letter and directing him to send it to SBE for response.

Ms. Sparks: states there is one correction on page 4, second paragraph, second to the last sentence reads “The Assessor now uses a 10% . . .” and that should be changed to 12%, with Mr. Cash stating he will correct the letter.

Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, the Board approves the letter as amended by staff and directs Mr. Cash to send it to SBE for their response.

- (12) **This is the time set for consideration of the Waiver of Time for Application Nos. 2002-71, 2002-73**

and 2003-94, The Coolidge Group, LLC, is presented.

No one appearing and thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, the Board approves the Agreement and Waiver for Extension of Time for Hearing as presented and the Chairperson is instructed to sign the same.

(13) This is the time set for comments by the Members, staff and/or Assessor.

Chairperson Baron: calls for comments without response.

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn.

Chairperson, Assessment Appeals Board

ATTEST:

JULIE L. RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Assessment Appeals Board

By: Deputy Clerk-Recorder

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