

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

Friday, June 25, 1999

The Assessment Appeal Board of the County of San Luis Obispo, State of California, met in regular adjourned session at 9:00 o'clock A.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

PRESENT: Appeals Board Members Mr. Kem Weber, Mr. Harry Yasumoto and
Chairperson Tom Baron

ABSENT: Appeals Board Member None

Mr. Ed Olpin, Deputy County Counsel, is present and represents the Assessment Appeals Board.

Mr. Dick Frank, County Assessor, Ms. Linda Trahey, Mr. Rod Frelinger, Mr. Kim Kelley, Ms. Kathy Toscano, Mr. Dave Gleason, Mr. Rod Hallin and Mr. Roland Portillo, Deputy Assessors are present and sworn.

This is the time set for members of the public wishing to address the Board on items not set on the Agenda. Chairperson Baron opens the floor to public comment without response.

Application No. 1998-55, Lawrence Virzi, APN #083,221,008, 083,481,037, 084,011,006, 084,101,051, and 084,101,062, is presented. Mr. Virzi is present and sworn. Mr. Virzi presents his case for APN #083,221,008, discusses his comparables (Applicant's Exhibit 1 - Map of Sales for 083,221,008), and requests the full value of the land be enrolled at \$2,500; Mr. Frelinger presents the Assessor's case (Assessor's Exhibit A - Base Year Value Review, 2/26/96, 083,221,008). Discussion regarding comparable sales and the terms of sale occurs. Mr. Virzi presents his case for APN #083,481,037, discusses his comparables and requests the full value of the land be enrolled at \$2,000; Mr. Frelinger presents the Assessor's case (Assessor's Exhibit B - Market Value Review, 1/1/98, 083,481,037) and discusses the Assessor's comparables. Discussion regarding open market sales, tax sales, and distressed sales occurs. Mr. Virzi presents his case for APN #084,011,006, discusses his comparables and requests the full value of the land be enrolled at \$3,000; Mr. Frelinger presents the Assessor's case (Assessor's Exhibit C - Base Year Value Review, 2/26/96, 084,011,006). Clarification regarding the Applicant's exhibits occurs (Applicant's Exhibit 1 - Map of Sales for 083,221,008, Applicant's Exhibit 2 - Map of Sales for 083,481,037, Applicant's Exhibit 3 - Map of Sales for 084,011,006, and Applicant's Exhibit 4 - Map of Sales for 084,101,051 and 084,101,062). Mr. Virzi presents his case for APN #084,101,051 and 084,101,062, discusses his comparable sales and requests the full value of the land be enrolled at \$2,000 for each parcel; Mr. Frelinger presents the Assessor's case (Assessor's Exhibit D - Base Year Value Review, 3/24/97, 084,101,051 and Assessor's Exhibit E - Base Year Value Review, 3/24/97, 084,101,062 and Assessor's Exhibit G - Market Value Review, 1/1/98, 084,101,051) and discusses the Assessor's comparables. Discussion regarding paper sales, arm's length transactions and cash sales in California Valley occurs. Thereafter, on motion of Mr. Weber, seconded by Mr. Yasumoto, and unanimously carries, Application No. 1998-55, Virzi, APN # 083,221,008, date of value February 26, 1996, the full value of land is fixed at \$5,840.00; APN #083,481,037, base year value as of January 1, 1998, the full value of the land is fixed at \$4,975.00; APN #084,011,006, date of value February 26, 1996, the full value of the land is fixed at \$5,870.00; APN #084,101,051, date of value March 24, 1997, the full value of the land is fixed at \$8,000.00; APN #084,101,062, date of value March 24, 1997, the full value of the land is fixed at \$8,000.00. Mr. Weber amends his motion for APN #083,481,037, date of value January 1, 1998, the full value of the land is fixed at \$4,975.00; APN #084,101,051 and 084,101,062 values for the base year, as of March 24, 1997, and include indexing to reflex the current enrolled value as of January 1, 1998, is \$8,160.00, with the second concurring, and unanimously carries.

Application No. 1997-52, Wings West Airlines, Inc., APN #800,006,100, is presented. Mr. Mitchell Salamon and John Parante, Agents for Wings West Airlines, Inc., are present and sworn. Mr. Salamon presents the applicant's case, and discusses Plane 946 being exempt (**Applicant's Exhibit 1 - Redelivery Receipt, Applicant's Exhibit 2 - Law 1150 - Certified Aircraft, and Applicant's Exhibit 3 - Sublease Agreement**). Mr. Hallin presents the Assessor's case (**Assessor's Exhibit A - State Board of Equalization Letter dated June 21, 1999 and Assessor's Exhibit B - American Eagle Letter dated April 29, 1997**). Discussion regarding "general aircraft" and "certification aircraft" occurs. **Matter is fully discussed, thereafter, on motion of Mr. Weber, seconded by Mr. Yasumoto, the Board continues this hearing until the following questions can be answered by County Counsel: 1) Define air carriers "engaged" in air transportation in the Federal Aviation Act of 1958 and appropriate sections and subsections of Section 101 of Title 1; 2) What constitutes inventory versus "retired" or "grounded aircraft", Sub Section A and what are the property tax implications of inventory; 3) What is the significance of the "same type" of aircraft in the letter from the State Board of Equalization to the Assessor dated June 21, 1999; 4) Does the log book contain information concerning ownership of the plane (lessee or lessors) in Sub Section A? and if the log book doesn't show transfer of ownership, what is the equivalent of ownership/registration?** Mr. Weber amends his motion on Question #1 only to: **Define air carrier "engaged in air transportation" and "operated by an air carrier" per the Federal Aviation Act of 1958 and the appropriate sections of Section 101 of Title 1 and the applicant is required to sign a waiver of time for all outstanding applications that currently do not have a waiver on file, with the second concurring and the motion unanimously carries. On motion of Mr. Yasumoto, seconded by Mr. Weber, and unanimously carries, Application Nos. 1992-186, 1992-195, 1993-253, 1994-155, 1995-209, 1996-154, 1997-52 and 1997-98, Wings West Airlines, Inc., are tentatively continued to the November Board meeting and approves the Waiver of Time for Application Nos. 1997-52 and 1997-98, Wings West Airlines, Inc.**

Application No. 1998-20, John Genovese, APN # 064,374,005 is presented. The Applicant is not present. Mr. Frank states he spoke with Mr. Genovese, who stated he did not have evidence to submit to the Board regarding the value of his property and he was going to leave. **Thereafter, on motion of Mr. Weber, seconded by Mr. Yasumoto, and unanimously carried, Application No. 1998-20, Genovese, is denied for non-appearance.**

Application No. 1998-22, Xerox Corporation, APN #806,000,959; 806,000,975; 806,000,977; 806,000,359; 806,000,955; 806,000,384; and 806,000,956 is presented. Board discusses the values the Assessor and Xerox Corporation calculated based on the Board's motion of April 16, 1999. The Board discusses the Assessor preparing a courtesy letter to Xerox Corporation, pointing out the differences in values, explain how the Assessor's values were reached, and, if necessary, Xerox may appear before the Board to discuss the value calculation only. **Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Weber, and unanimously carries, the Assessor's values are to be enrolled, as per the Assessor's letter of May 14, 1999 to the Assessment Appeals Board, as follows: APN # 806,000,359, the full value of the personal property is fixed at \$756,224; APN #806,000,384, the full value of the personal property is fixed at \$227,952; APN #806,000,955, the full value of the personal property is fixed at \$240,929; APN #806,000,956, the full value of the personal property is fixed at \$363,280; APN #806,000,959, the full value of the personal property is fixed at \$909,873; APN #806,000,975, the full value of the personal property is fixed at \$115,432; and APN #806,000,977, the full value of the personal property is fixed at \$27,422; and the Assessor shall prepare a letter for the Clerk, to be approved by the Chairman, discussing the enrolled values.**

The Clerk presents a letter from Mr. Crandall regarding **Application No. 1998-3, Crandall Family Partnership, APN # 019,061,006**. A motion by Mr. Weber, **Application No. 1998-3, Crandall Family Partnership**, to deny for non-response, dies for a lack of a second. On motion of Mr. Weber, seconded by Mr. Yasumoto, **Application No. 1998-3, Crandall Family Partnership**, is denied for non-appearance and the Clerk is directed to prepare a letter for the Chairman explaining this Board has no jurisdiction regarding the Williamson contract is discussed. Mr. Weber amends his motion, that the letter be sent by and signed by the Clerk, with the second concurring. **Thereafter on motion of Mr. Weber, seconded by Mr. Yasumoto, and unanimously carries, Application No. 1998-3, Crandall Family Partnership, is denied for non-appearance and the Clerk is instructed to prepare a letter to the Crandalls explaining the Board has no jurisdiction regarding the Williamson Act.**

The Clerk presents for approval the **minutes from the April 16, 1999 hearing. Thereafter, on motion of Mr. Weber, seconded by Mr. Yasumoto, and unanimously carries, and the minutes of the April 16, 1999 hearing are approved as presented and the Chairperson is instructed to sign the same.**

A Waiver of Time for Application No. 1997-92, French Hospital Medical Center, Inc., is presented. The applicant is not present. Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Weber, and unanimously carried, the Waiver of Time for Application No. 1997-92, French Hospital Medical Center, Inc. is approved and the Chairperson is instructed to sign same.

This is the time set for Board members, Assessor and/or Staff to bring up items to be discussed at the next meeting. **No action taken.**

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn to Monday, July 19, 1999 at 9:00 o'clock a.m. in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

Chairperson

ATTEST:

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

By:
Deputy Clerk-Recorder

cmc