



Board Agenda Item 30

DATE: October 31, 2017

TO: Board of Supervisors

SUBMITTED BY: Jean Rousseau, County Administrative Officer

SUBJECT: Ordinance to Amend Title 2, Chapter 2.64

RECOMMENDED ACTION(S):

Conduct second hearing to amend the County of Fresno Ordinance Code Title 2, Chapter 2.64 by amending Sections 2.64.030 and 2.64.040 and adding Section 2.64.050 relating to the Assessment Appeals Board; waive reading of the Ordinance in its entirety.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved by your Board, the Assessment Appeals Board will continue to be comprised of three (3) regular members and two (2) alternate members. In addition, staff for the Assessment Appeals Board will continue to follow the October 3, 1978 Board Resolution as it relates to Assessment Appeals Board appointments and vacancies.

FISCAL IMPACT:

There is no increase in net County cost associated with this action.

DISCUSSION:

The Board of Supervisors is requested to adopt an ordinance to clarify the process of the Assessment Appeals Board (AAB) appointments, vacancies and member attendance. If adopted, the ordinance will supersede the Board of Supervisors' resolution dated October 3, 1978.

Currently, the AAB consists of three regular members and two alternate members. Each Supervisorial District nominates one AAB member. The October 3, 1978 Board Resolution declares the Board's intention to appoint alternates to become regular members of the AAB upon the expiration of any term of office, or the occurrence of a vacancy, of a regular member. The Resolution provides an appointment procedure as follows. The two alternate members of the AAB shall be designated as Alternate #1 and Alternate #2. When there is a vacancy among the regular members, or when the term of a regular member having served a full three year term expires, Alternate #1 should be appointed to that regular member position. Alternate #2 should then be appointed as Alternate #1, and any new appointment should be made to the Alternate #2 position. A vacancy occurring in the Alternate #1 position should be filled by appointing Alternate #2 to the Alternate #1 position and a new appointment made to the Alternate #2 position.

While the Resolution indicates that it does not intend to bind future Board of Supervisors as a declaration of policy, it endorses an appointment process that will enable alternates to ultimately serve as regular members who have gained experience by virtue of their service as alternates to the AAB. Staff continues to

comply with the terms of the 1978 Resolution; however, continued compliance with the Resolution has resulted in inconsistent application and the loss of staggered terms.

Appointment Process

When adopted, the ordinance will change the AAB membership from the current (3) member board, two (2) alternate membership to a five (5) member board. Each Supervisorial District will nominate one AAB member. Each AAB member will be required to attend six (6) meetings in a calendar year on a set rotation. The two (2) members not scheduled for a specific hearing will serve as the alternates for said meeting on a set rotation. Each member of the AAB board will serve as Chairman two (2) times per calendar year and as Vice Chairman two (2) times per calendar year. Exhibit A has the tables showing the rotation of Regular Members and Alternate Members. As AAB members' terms expire, the new appointee will continue in the rotation per Supervisorial District that made the appointment.

Vacancies

When adopted, the ordinance will continue to provide that each Supervisorial District nominates one member of the AAB and the staggered terms, required by the Revenue and Taxation Code, will be maintained.

Member Attendance at Meetings

The AAB has ten (10) regularly scheduled hearings in a calendar year; however, the AAB member rotation results in each AAB member required to attend six (6) hearings in a calendar year. The requirement of attending a specific number of hearings is fewer than the number of total hearings scheduled in a calendar year, making an attendance policy specific to AAB necessary. The AAB attendance policy states that an AAB member is deemed to have resigned his or her position for absences in excess of two (2) of the required six (6) regular scheduled meetings in a calendar year. This attendance policy will apply to AAB members instead of the attendance requirements set forth in Fresno County Ordinance Code 2.68.010.

OTHER REVIEWING AGENCIES:

The AAB has reviewed this agenda item and attachments.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Assessment Appeals Board Member Rotation
Proposed Assessment Appeals Board Ordinance
Board of Supervisors Resolution, October 3, 1978
Board of Supervisors Ordinance No. 585, March 1, 1977

CAO ANALYST:

Ronald Alexander