[Establishing a Third Assessment Appeals Board]

AMENDING CHAPTER 2B OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 2B.1 THROUGH 2B.7 AND 2B.13 THEREOF TO CREATE A THIRD ASSESSMENT APPEALS BOARD AND TO MAKE NONSUBSTANTIVE CLARIFYING REVISIONS.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Chapter 2B of the San Francisco Administrative Code is hereby amended by amending Sections 2B.1 through 2B.7 and 2B.13 to read as follows:

SEC. 2B.1. BOARDS CREATED. Pursuant to Section 16 of Article XII: of the California State Constitution ((two)) three Assessment Appeals Boards are hereby created.

SEC. 2B.2. DESIGNATION. The Assessment Appeals Boards hereby created shall be designated Assessment Appeals Board No. 1, Assessment Appeals Board No. 2, and Assessment Appeals Board No. 3.

SEC. 2B.3. BOARD MEMBERSHIP AND SELECTION. (a) ((Each)) Assessment Appeals Board No. 1 and Assessment Appeals Board No. 2 shall each consist of five regular members and three alternate members who shall be selected in the manner described in subsections (b), (c) and (d). In addition, the regular members of Assessment Appeals Board No. 2 shall also serve as and, except as provided in Section 2B.14(b), shall be entitled to the priorities extended to alternate members of Assessment Appeals Board No. 1. Assessment

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS
Appeals Board No. 3 shall consist of five regular members. The regular members of Assessment Appeals Board No. 1 shall serve ex officio as the regular members of Assessment Appeals Board No. 3 concurrent with their service on Assessment Appeals Board No. 1.

(b) Pursuant to Sections 1622.1 and 1623.1 of the California Revenue and Taxation Code, the Board of Supervisors hereby elects to appoint directly the regular and alternate members of the Assessment Appeals Boards.

(c) No person shall be eligible for appointment as a regular or alternate member of Assessment Appeals Board No. 1 or Assessment Appeals Board No. 2 unless he or she meets the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. This subsection shall not apply to any individual who was a regular or alternate member of the Assessment Appeals Boards on or before September 1, 1988 and who is re-appointed to his or her same seat.

(d) No person may concurrently hold a seat on Assessment Appeals Board No. 1 and a seat on Assessment Appeals Board No. 2.

(e) Subject to Sections 1623(d) and (e) of the California Revenue and Taxation Code, the terms of regular and alternate members of the Assessment Appeals Boards shall be three years, expiring at 12:01 a.m. on the first Monday in September of the third year.

SEC. 2B.3.1 TRANSITION TO BOARDS HAVING FIVE REGULAR MEMBERS AND THREE ALTERNATE MEMBERS. (a) The individuals who were regular members of Assessment Appeals Board No. 1 and Assessment Appeals Board No. 2 on September 1, 1998, and the individuals who were alternate members of Assessment Appeals Board No. 1 on September 1, 1998, shall continue, after January 24, 1999 (the effective date of the
amendment to this Chapter that changed the composition of the Assessment Appeals Boards from three to five regular members), to hold the same seats they held before that date. Any incumbent regular member of Assessment Appeals Board No. 1 or Assessment Appeals Board No. 2 (regular member) or incumbent alternate member of Assessment Appeals Board No. 1 (alternate member) whose term expired on or prior to January 24, 1999 (the effective date of that amendment) is hereby re-appointed for a three-year term, beginning from the date his or her term previously expired and ending at 12:01 a.m. on the first Monday in September of the third year. Any incumbent regular member of Assessment Appeals Board No. 1 or Assessment Appeals Board No. 2 (regular member) or incumbent alternate member of Assessment Appeals Board No. 1 (alternate member) whose term had not expired on or prior to January 24, 1999 (the effective date of the amendment that changed the composition of the Assessment Appeals Boards from three to five regular members), shall continue to serve in his or her seat until 12:01 a.m. on the first Monday in September of the year in which his or her term would have expired had (there been no such amendment) Ordinance No. 393-98 not been enacted.

(b) Subject to Sections 1623(d) and (e) of the California Revenue and Taxation Code, on January 24, 1999 (the effective date of the amendment to this Chapter that reduced the number of Assessment Appeals Board No. 2 alternate members from six to three members), the terms of the individuals who were alternate members of the Assessment Appeals Board No. 2 on September 1, 1998 shall expire. As soon as practicable after that date (of that amendment), the Clerk shall determine, by lot, which three of the individuals who were Assessment Appeals Board No. 2 alternate members on September 1, 1998 shall be re-appointed as Assessment Appeals Board No. 2 alternate members. The Clerk shall further determine, by lot, the initial term of each incumbent Assessment Appeals Board No. 2 alternate member who is selected to continue in his or her seat pursuant to this
subsection as follows: one member's term shall expire at 12:01 a.m. on the first Monday in September 1999; one member's term shall expire at 12:01 a.m. on the first Monday in September 2000; and one member's term shall expire at 12:01 a.m. on the first Monday in September 2001.

(c) As soon as practicable after January 24, 1999 (the effective date of the amendment to this Chapter that changed the composition of the Assessment Appeals Boards from three to five regular members), the Board of Supervisors shall fill the four vacant seats created by (that amendment) Ordinance No. 393-98. Subject to Sections (2B.3(b)) 2B.3(c) and 2B.3(e) of this Chapter, any qualified individual (Board member) may apply for appointment to any of these vacant seats. On either Assessment Appeals Board. No individual, however, may hold more than one seat on the Assessment Appeals Boards.)

(d) After the Board of Supervisors makes appointments pursuant to subsection (c), the Clerk shall determine, by lot, the initial terms of the members appointed to those newly-created seats as follows: the initial term for one member appointed to a newly-created seat on each Assessment Appeals Board No. 1 and one member appointed to a newly-created seat on Assessment Appeals Board No. 2 shall expire at 12:01 a.m. on the first Monday in September 2000; and the initial term for the other member appointed to the newly-created seat on each Assessment Appeals Board No. 1 and the other member appointed to the newly-created seat on Assessment Appeals Board No. 2 shall expire at 12:01 a.m. on the first Monday in September 2001.

((f))(e) After the expiration of the term of any of the Assessment Appeals Board regular or alternate members as set forth in this section, the term of the seat occupied by that member shall be governed by Section (2B.3(c)) 2B.3(f) of this Chapter.
This section 2B.3.1 shall expire on September 30, 2001. Thereafter, the City Attorney shall cause this section 2B.3.1 to be removed from the codified version of this Chapter.

SEC. 2B.4. DUTY OF BOARDS. It shall be the duty of each ((both)) Assessment Appeals Board((s)) to equalize the valuation of the taxable property within the City and County for the purposes of taxation in the manner and subject to the limitations contained in Article XIII of the California State Constitution.

SEC. 2B.5. COMPENSATION OF BOARD MEMBERS. The compensation of regular and alternate members of the Assessment Appeals Boards shall be $100 for each one-half day of service on ((either)) any Assessment Appeals Board.

SEC. 2B.6. BOARD COMPOSITION AND BOARD QUORUM. (a) The Assessment Appeals Boards shall hold joint meetings from time to time for the purpose of proposing rules and regulations to the Board of Supervisors to govern the operation of the Assessment Appeals Boards. Such joint meetings shall be held before the five regular members of ((both)) Assessment Appeals Board((s)) No. 1 and the five regular members of Assessment Appeals Board No. 2. The attendance by three regular members of ((each)) Assessment Appeals Board No. 1 and three regular members of Assessment Board No. 2 shall constitute a quorum for such meetings.

(b) Except as provided in subsection (a), each Assessment Appeals Board shall act separately and only as three-member panels designated by the Clerk in the manner described in subsection (d). The attendance by two members of any designated Assessment Appeals Board three-member panel shall constitute a quorum for the transaction of business.
(c) Except as provided by Title 18 California Code of Regulations Rule 310, no act of the joint Boards or a three-member panel of a Board shall be valid or binding unless approved by a majority of all the members of the applicable body.

(d) Subject to California Revenue and Taxation Code Section 1622.5 and Title 18 of the California Code of Regulations Rule 311, the Clerk shall designate three-member panels to transact the business of the Assessment Appeals Boards, as set forth in subsection (b), using a rotating system designed to assure that all members with the same priority level, as described in this subsection, have an equal opportunity over time to participate as panelists.

(1) This subsection (d)(1) shall govern the panel selection for any application for reduction that concerns (a) real property located all or in a part within Assessor's Blocks 1 through 876, inclusive, or Assessor's Blocks 3701 through 3899, inclusive, (b) a possessory interest, or (c) property on the secured or unsecured roll assessed at $20,000,000 or more.

((For)) The Clerk shall assign any such application to either Assessment Appeals Board No. 1 or Assessment Appeals Board No. 3. For cases governed by this subsection (d)(1) that are assigned to Assessment Appeals Board No. 1, the Clerk shall designate three panelists from among the ((following)) members in the following priority order: (a) the regular members of Assessment Appeals Board No. 1 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (b) the regular members of Assessment Appeals Board No. 1 who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (c) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (d) the alternate members of Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code.
1624.05 of the California Revenue and Taxation Code; and (e) the alternate members of Assessment Appeals Board No. 2 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. For cases governed by this subsection (d)(1) that are assigned to Assessment Appeals Board No. 3, the Clerk shall assign three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 3 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (b) the regular members of Assessment Appeals Board No. 3 who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (c) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (d) the alternate members of Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; and (e) the alternate members of Assessment Appeals Board No. 2 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code.

(2) For any matter to be heard by Assessment Appeals Board No. 1 that is not governed by subsection (d)(1), the Clerk shall designate three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 1; (b) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2); and (c) the alternate members of Assessment Appeals Board No. 2.

(3) For any matter to be heard by Assessment Appeals Board No. 3 that is not governed by subsection (d)(1), the Clerk shall designate three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 3 ...
Board No. 3; (b) the alternate members of Assessment Appeals Board No. 1 (including the
regular members of Assessment Appeals Board No. 2); and (c) the alternate members of
Assessment Appeals Board No. 2.

For any application for reduction to be heard by Assessment Appeals Board No. 2, the Clerk shall designate three panelists from among the members in
the following priority order: (a) the regular members of Assessment Appeals Board No. 2; (b)
the alternate members of Assessment Appeals Board No. 2; (c) the alternate members of
Assessment Appeals Board No. 1; and (d) the regular members of Assessment Appeals
Board No. 1.

SEC. 2B.7. CLERK OF THE BOARD. "The Clerk", as used in this Chapter, shall
mean the Clerk of the Board of Supervisors or his or her designee. The Clerk shall function
as both the Clerk and the Administrator of the Assessment Appeals Boards and to any
assessment hearing officers. The Clerk shall perform those duties prescribed for the Clerk of
the Assessment Appeals Board in Article 1.5 (commencing with Section 1620) of Chapter 1,
Part 3, Division 1 of the California Revenue and Taxation Code, and shall: (1) appoint, subject
to the civil service provisions of the Charter, all employees in the department of the Board of
Supervisors who are to perform any duties in connection with the Assessment Appeals
Boards’ or assessment hearing officers’ proceedings; (2) fix the time and place of sessions of
the Assessment Appeals Boards’ and assessment hearing officers’ proceedings; (3) calendar
all petitions or applications to be heard by the Assessment Appeals Boards and hearing
officers, and notify all parties of the time and place fixed for such hearings; (4) assign
applications for reduction to the Assessment Appeals Boards and designate three-member
panels to transact the business of the Assessment Appeals Boards as described in Sections
2B.6 and 2B.13 of this Chapter; and (5) designate hearing officers as described in Section
SEC. 2B.13. DUTIES AND OPERATIONS. (a) Assessment Appeals Board No. 1 and Assessment Appeals Board No. 3 shall have jurisdiction to hear applications for reduction affecting any property on the secured or unsecured rolls without limitation.

(b) Assessment Appeals Board No. 2 shall have jurisdiction to hear applications for reduction only for property on the secured or unsecured rolls assessed at less than $20,000,000, excluding applications involving possessory interests or real property located all or in part within Assessor's Blocks 1 through 876, inclusive, or Assessor's Blocks 3701 through 3899, inclusive.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

[Signature]

Deputy City Attorney
Ordinance amending Administrative Code Sections 2B.1 through 2B.7 and 2B.13 to create a third Assessment Appeals Board and to make nonsubstantive clarifying revisions.

October 18, 1999 Board of Supervisors — PASSED, ON FIRST READING
    Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
    Absent: 2 - Becerril, Newsom

October 25, 1999 Board of Supervisors — FINALLY PASSED
    Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
    Absent: 1 - Becerril
File No. 990406

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 25, 1999 by the Board of Supervisors of the City and County of San Francisco.

10-27-99

Date Approved

Mayor Willie L. Brown Jr.

Gloria L. Young
Clerk of the Board