Ordinance amending the Administrative Code to delegate authority from the Board of Supervisors to the Tax Collector under California Revenue and Taxation Code, Section 4765.1, to administer excess proceeds claims after the completion of tax sales of real property.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by revising Section 10.2, to read as follows:

SEC. 10.2. AUTHORIZATION FOR THE ASSESSOR-RECORDER, CONTROLLER, TAX COLLECTOR, AND CITY ATTORNEY TO PERFORM CERTAIN ACTS.

(a) In accordance with Section 4804 of the Revenue and Taxation Code of the State of California, the Board of Supervisors of the City and County of San Francisco, hereby authorizes the Assessor-Recorder, the Controller, and the Tax Collector of the City and County of San Francisco to perform on its behalf any act required or authorized to be performed by the Board of Supervisors of the County of San Francisco for the City and County of San Francisco under the following sections of the Revenue and Taxation Code regardless of amount of taxes involved:
Sections 166, 270, 271;

Sections 480 through 485, both inclusive:

Sections 4831 through 4842, both inclusive;

Sections 4985 through 4986, both inclusive;

Sections 5026 through 5029, both inclusive;

Sections 5061 through 5064, both inclusive; and

Sections 5071 through 5073, both inclusive;

Provided, however, that the Controller of the City and County of San Francisco is hereby required to record each act performed under this authorization; and provided further, that the Assessor-Recorder shall make periodic reports, not less frequently than quarterly, to the Board of Supervisors of any and all acts performed under this authorization.

Any act performed by the Assessor-Recorder under this authorization shall comply with the following administrative rules and procedures:

(1) If such act will increase the amount of taxes due, the Assessor-Recorder shall give the Assessee opportunity for a hearing after at least five days' notice at which time the Assessee may present objections to the change. The decision of the Assessor-Recorder in the matter is final.

(2) Any such act performed by the Assessor-Recorder under this authorization shall be performed pursuant to a statement of findings reciting the facts found by the Assessor-Recorder and further reciting the section or sections of the Revenue and Taxation Code pursuant to which such act was performed.

In accordance with the request heretofore made by the City Attorney of the City and County of San Francisco under Section 4804 of the Revenue and Taxation Code of the State.
of California, there is hereby granted a waiver of the requirement for written consent of the
County Legal Advisor in any act performed under the provisions hereof.

The Controller may perform such acts in reliance upon action of the Assessor-Recorder
as provided herein as though such action was performed by the Board of Supervisors.

(b) **Delegation of Authority to City Attorney to Grant or Deny Property Tax
Refund Claims.** As authorized by Section 4804 of the Revenue and Taxation Code of the
State of California, the Board of Supervisors of the City and County of San Francisco, hereby
delegates its authority to grant or deny claims for refunds of property taxes, as contemplated
by Sections 5096-5097 and 5140-41 of the Revenue & Taxation Code, to the City Attorney.
The Controller shall record each grant or denial the City Attorney makes under this delegation
and may act in reliance on the City's Attorney's determination as though the Board of
Supervisors granted or denied the claim.

(1) **Administrative Rules and Procedures.**

(A) **City Attorney's authority and duty to determine claim and notify
claimant.** The City Attorney shall send the claimant a letter, by first class United States mail,
that states whether the claim is allowed, rejected, or rejected in part. The City Attorney shall
provide a copy of the letter to the Controller. The City Attorney's rejection letter will constitute
the Board's rejection of the claim and will start the claimant's limitations period to file a refund
action under Section 5141(a) of the Revenue & Taxation Code. Should the City Attorney fail
to mail notice of its decision on a claim within six months of its filing, the claimant may
consider the claim rejected under Section 5141(b) of the Revenue & Taxation Code and file
an action for refund.

(B) **Presentation and form of property tax refund claim.** The claimant
shall present a written property tax refund claim to the Controller. The claim shall include all
of the information required by Revenue & Taxation Code Section 5097.02 and shall be filed
within the time limitations in Section 5097(2). The City Attorney shall develop a form of
property tax refund claim which the Controller shall make available for use by claimants. The
claimant may present the claim by delivering it to the Controller's office or, as authorized by
Revenue & Taxation Code Section 2513, by mailing the claim to the Controller through the
United States mail, properly addressed, with postage prepaid.

(C) **Initial processing by Controller and disposition by City Attorney.**
The Controller shall make and retain a copy of the claim, make a record of the name of the
claimant, the date claim was received, and the amount of the claim, then forward the original
version of the claim to the City Attorney.

(D) This Section 10.2(b) shall not apply if a property owner or other
interested party makes an election under Section 5097(b) of the Revenue & Taxation Code to
have an assessment appeal application serve as a refund claim.

(E) This procedure for determination of property tax refund claims is not
part of Article II, Settlement of Claims For and Against City and County (Section 10.20-1 and
following).

(c) **Delegation of Authority to Tax Collector to Administer Claims for Excess Proceeds and
Distribute Excess Proceeds from Tax Sales.**

(1) As authorized by Section 4675.1 of the California Revenue and Taxation Code, the
Board of Supervisors of the City and County of San Francisco, hereby delegates to the Tax Collector its
authority to administer all pending and future claims for excess proceeds from tax sales of real
property filed by parties of interest in the property and to distribute any excess proceeds, as
contemplated by Sections 4674 – 4676 of the California Revenue and Taxation Code.

(2) **Administrative Rules and Procedures.** Any act performed by the Tax Collector
under this authorization and California Revenue and Taxation Code Section 4675.1 shall comply with
the administrative rules and procedures of California Revenue and Taxation Code Sections 4674, 4675, and 4676. The Controller shall record each act performed under this authorization.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
Moe Jamil
Deputy City Attorney

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Ordinance amending the Administrative Code to delegate authority from the Board of Supervisors to the Tax Collector under California Revenue and Taxation Code, Section 4765.1, to administer excess proceeds claims after the completion of tax sales of real property.

January 11, 2017 Budget and Finance Committee - RECOMMENDED

January 24, 2017 Board of Supervisors - PASSED, ON FIRST READING

January 31, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/31/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

2/10/2017