

## EL DORADO COUNTY BOARD OF SUPERVISORS

6/29/2007

## AGENDA ITEM TRANSMITTAL

Meeting of July 3, 2007

AGENDA TITLE: Ordinance -- Angora Fire

DEPARTMENT: Assessor

DEPT SIGNOFF:

CAO USE ONLY:

CONTACT: Tim Holcomb, Assessor

DATE: 6/25/2007

PHONE: ext. 5718

## DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

Approve an urgency Ordinance already completed by County County pursuant to Revenue and Taxation Code Section 170, authorizing the County Assessor to grant property tax relief to those property owners who have suffered property damage as a result of the calamity (fire) during the Angora Fire 6/24/07.

The County's state lobbyist is working with Senators Cox and Florez to amend SB 114 (Florez), which provides a mechanism for reimbursing <sup>specific</sup> counties for property tax losses resulting from the reassessment of properties damaged by the 2007 freeze, to include this reassessment.

## CAO RECOMMENDATIONS:

Recommend approval. Laura S. Gill

6/29/07

Financial impact? ☐ Yes ☐ NoFunding Source: ☐ Gen Fund ☐ Other

## BUDGET SUMMARY:

Other:

Total Est. Cost

## CAO Office Use Only:

## Funding

4/5's Vote Required ☐ Yes ☒ No

Budgeted

Change in Policy ☐ Yes ☒ No

New Funding

New Personnel ☐ Yes ☒ No

Savings

## CONCURRENCES:

Other

Risk Management

Total Funding

County Counsel ☒

Change in Net County Cost

Other

## \*Explain

## BOARD ACTIONS:

Vote: Unanimous \_\_\_\_\_ Or

Ayes:

Noes:

Abstentions:

Absent:

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Date: \_\_\_\_\_

Attest: Cindy Keck, Board of Supervisors Clerk

By: \_\_\_\_\_

# EL DORADO COUNTY



**TIM HOLCOMB**  
**ASSESSOR**

MAIN OFFICE  
360 FAIR LANE PLACERVILLE, CA 95667  
TELEPHONE  
PLACERVILLE (530) 621-5719 - S. LAKE TAHOE (530) 573-3422  
FAX (530) 642-8148

June 29, 2007

El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

RE: Reassessment of Property Damaged by Misfortune or Calamity

Agenda Date: July 3, 2007

Dear Honorable Board Members:

**Recommendation:**

Approve an Ordinance already completed by County Counsel pursuant to Revenue and Taxation Code Section 170, authorizing the County Assessor to grant property tax relief to those property owners who have suffered property damage as a result of the calamity (fire) during The Angora Fire 6/24/07.

**Reason for Recommendation:**

Section 170 and 172.1 of the Revenue and Taxation Code permits the Assessor, to reassess property which is subject to local property taxation that has incurred damage in excess of \$10,000 as a consequence of a major misfortune or calamity. Prior to affording such relief to the affected taxpayers, the Board of Supervisors must enact an Ordinance invoking the provisions of the above designated statutory authority.

The completed Ordinance is attached for your review and adoption.

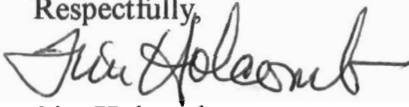
**Fiscal Impact:**

Unknown at this time.

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**Action to be Taken Following Approval:**

Make available to affected property owners relief from property taxes to damaged and/or destroyed taxable property as a result of the misfortune and/or calamity.

Respectfully,  
  
Tim Holcomb  
Assessor

TH:kjw  
Attachment(s)

MJC:km  
3-32 Ord  
06/29/07



**ORDINANCE NO. \_\_\_\_\_**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

Section 1. Sections 3.32.010 through 3.32.070 of Chapter 3.32 of Title 3 of the El Dorado County Ordinance Code are hereby repealed in their entirety.

Section 2. Sections 3.32.010 through 3.32.130 of Chapter 3.32 of Title 3 of the El Dorado County Ordinance Code, are hereby added as follows:

3.32.010. Title. This chapter shall be known and may be referred to as the Reassessment of Damaged Property Ordinance.

3.32.020. Purpose. The purpose of this ordinance is to provide that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed without his or her fault, may apply for reassessment of that property as provided in accordance with Section 170 of the Revenue and Taxation Code. This ordinance also specifies that the Assessor may initiate the reassessment where the Assessor determines that within the preceding 12 months taxable property located in the County was damaged or destroyed.

3.32.030. Definitions. Unless otherwise defined in this ordinance, the definitions set forth in Sections 170 and 172.1 and Section 194 of the California Revenue and Taxation Code shall govern the interpretation of terms used in this ordinance.

3.32.040. Eligibility. To be eligible for reassessment, the damage or destruction to the property shall have been caused by any of the following:

- (1) A major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if that property was damaged or destroyed by a major misfortune or calamity that caused the Governor to proclaim the area or region to be in a state of disaster. As used in this paragraph, "damage" includes a diminution in the value of property as a result of restricted access to the property where that restricted access was caused by the major misfortune or calamity.
- (2) A misfortune or calamity.

- (3) A misfortune or calamity that, with respect to a possessory interest in land owned by the state or federal government, has caused the permit or other right to enter upon the land to be suspended or restricted.

3.32.050. Application for Reassessment. An assessee of taxable property or persons liable for the taxes thereon, whose property was damaged or destroyed through no fault of said persons as a result of misfortune and calamity may deliver to the County Assessor a written application requesting reassessment. The application for reassessment may be filed within 12 months of the misfortune or calamity by delivering to the assessor a written application requesting reassessment showing the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

3.32.060. Manner of Reassessment by Assessor. Upon receiving a proper application, the Assessor shall appraise the property and determine separately the full cash value of land, improvements and personalty immediately before and after the damage or destruction. If the sum of the full cash values of the land, improvements and personalty before the damage or destruction exceeds the sum of the values after the damage by ten thousand dollars (\$10,000) or more, the Assessor shall also separately determine the percentage reductions in value of land, improvements and personalty due to the damage or destruction. The Assessor shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to this section. The taxes due on the property shall be adjusted as provided in Section 3.32.100. However, the amount of the reduction shall not exceed the actual loss.

3.32.070. Notice of Reassessment and Appeal. The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed assessment to the El Dorado County Assessment Appeals Board within six (6) months of the date of the mailing of notice. If an appeal is requested within six (6) month period, the El Dorado County Assessment Appeals Board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the El Dorado County Assessment Appeals Board regarding the damaged value of the property shall be final, provided that a decision of the El Dorado County Assessment Appeals Board regarding any reassessment made pursuant to this ordinance shall create no presumption as regards the value of the affected property subsequent to the date of damage. Those reassessed values resulting from reductions in full cash value of amounts, as determined above, shall be forwarded to the Auditor by the Assessor or the Clerk of the El Dorado County Assessment Appeals Board as the case may be. The Auditor/Controller shall enter the reassessed values on the roll. After being entered on the roll, those reassessed values shall not be subject to review, except by a court of competent jurisdiction.

**3.32.080. Reassessment If No Application Is Filed.** If no application is made and the assessor determines that within the preceding 12 months a property has suffered damage caused by misfortune or calamity that may qualify the property owner for relief under this ordinance, the Assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within sixty (60) days of the date of mailing of notification by the Assessor, but in no case more than 12 months after the occurrence of said damage. Upon receipt of the properly completed, timely filed application, the property shall be reassessed in the same manner as required in Section 3.32.060 and 3.32.070. This section does not apply where the assessor initiated reassessment as provided in Section 3.32.090.

**3.32.090. Assessor Initiated Reassessment.** The Assessor may initiate a reassessment of eligible property as defined in section 3.32.040 where the Assessor determines that within the preceding 12 months that property located in the County was damaged or destroyed regardless of whether an application for reassessment has been filed by an assessee or persons liable for the taxes thereon. The reassessment under this section shall be conducted in accordance with the provisions of sections 3.32.060 and 3.32.070.

**3.32.100. Reassessment Applicable for the Current Fiscal year and Subsequent Years.** The tax rate fixed for property on the roll on which property so reassessed appeared at the time of misfortune or calamity, shall be applied to the amount of the reassessment as determined in accordance with this ordinance and the assessee shall be liable for:

- (1) A prorated portion of the taxes that would have been due on the property of the current fiscal year had the misfortune or calamity not occurred, to be determined on the basis of the number of months in the current fiscal year prior to the misfortune or calamity; plus
- (2) A proration of the tax due on the property as reassessed in its damaged or destroyed condition, to be determined on the basis on the number of months in the fiscal year after the damage or destruction, including the month in which the damage was incurred. For purposes of applying the preceding calculation in prorating supplemental taxes, the term "fiscal year" means that portion of the tax year used to determine the adjusted amount of taxes due pursuant to subdivision (b) of Revenue and Taxation Code Section 75.41. If the damage or destruction occurred after January 1 and before the beginning of the next fiscal year, the reassessment shall be utilized to determine the tax liability for the next fiscal year. However, if the property is fully restored during the next fiscal year, taxes due for that year shall be prorated based on the number of months in the year before and after the completion of restoration.

**3.32.110. Procedures for Reassessment Upon Restoration or Repair.** Pursuant to Revenue and Taxation Code Section 51, the assessed value of the property in its damaged condition as determined pursuant to Sections 3.32.060 and 3.32.070 compounded annually by the

inflation factor specified in subdivision (a) of Section 51, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of law require the establishment of a new base year. If partial reconstruction, restoration or repair has occurred on any subsequent lien date, the taxable value shall be increased in an amount determined by multiplying the difference between its factored base year value immediately before the calamity and its assessed value in its damaged condition by the percentage of the repair, reconstruction or restoration completed on that date.

When the property is fully repaired, restored or reconstructed the Assessor shall make an additional assessment or assessments in accordance with subparagraph (A) or (B) upon completion of the repair, restoration or reconstruction:

**(A)** If the completion of the repair, restoration, or reconstruction occurs on or after January 1, but on or before May 31, then there shall be two additional assessments. The first additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll. The second additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value to be enrolled on the roll being prepared.

**(B)** If the completion of the repair, restoration, or reconstruction occurs on or after June 1, but before the succeeding January 1, then the additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll.

**3.32.120. Refund of Excess Taxes Paid.** Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of the Revenue and Taxation Code, as an erroneously collected tax or by order of the Board of Supervisors without the necessity of a claim being filed.

**3.32.130. Severability.** If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of this chapter. The board of supervisors of the county declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional.

**Section 3. Urgency.** This ordinance shall take effect immediately, as an urgency measure and is adopted to preserve the public peace, health and safety pursuant to Government Code Section 25123(d). The urgency for this ordinance arises as a result of the Angora Fire damage and destruction which occurred commencing June 24, 2007. The recent and disastrous and extensive fire in the South Tahoe area has destroyed and damaged property to such an extent that

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many of the property owners will either be unable to pay their installment of property taxes in October or November of 2007 with a resulting loss of tax revenue to the County or these property owners will find themselves subject to payment of penalties and interest on these taxes creating an additional heavy financial burden that will delay their efforts in restoring their property to its previous condition so that its value on tax rolls in future years will impact the general property tax revenue for local government. The purpose of this ordinance is to provide emergency financial relief to the victims who incurred property loss and to victims of future calamities or disasters which may occur in the future in El Dorado County. This ordinance will remain in effect until repealed.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote of said Board:

Ayes:

**ATTEST**  
**CINDY KECK**  
Clerk of the Board of Supervisors

Noes:  
Absent:

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Board of Supervisors

**I CERTIFY THAT:**  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date \_\_\_\_\_  
**ATTEST:** CINDY KECK, Clerk of the Board of Supervisors  
of the County of El Dorado, State of California.

By \_\_\_\_\_  
Deputy Clerk