



October 23, 2023

The Honorable Antonio Vazquez
Chair
California State Board of Equalization
MIC: 72
PO Box 942879
Sacramento, CA 94279-0072

Re: October 24, 2023 Meeting of the Board – Agenda Item No. 4 – BOE Development of Training Materials and Training Course for Counsel to County Assessment Appeals Board (AAB)

Dear Chair Vazquez:

We are writing on behalf of the California Alliance of Taxpayer Advocates (CATA) with respect to the BOE's potential development of Training Materials for Assessment Appeals Board (AAB) County Counsel, which is item 4 on the BOE's October 24, 2023 Agenda.

This follows up on the discussions of the California State Board of Equalization (BOE) at its September 26, 2023 meeting when it was asked to consider the approval and adoption of AAB Counsel Training materials that consisted of a twenty-seven page summary of the AAB procedural rules (Property Tax Rules 301-326) drafted by Thomas R. Parker, Sr. Deputy Counsel of Los Angeles County.¹ After hearing testimony² and extensive follow-on discussion amongst the BOE members at the September 26, 2023 meeting, Board Member Sally Lieber moved that the BOE defer taking action adopting Mr. Parker's materials as BOE approved AAB training

¹ This was Item 5 on the BOE's September 26, 2023 Agenda entitled: Assessment Appeals Board (AAB) Training Course. Evaluate and consider possible suggestions regarding the AAB County Counsel Training course submitted by Thomas R. Parker Senior Deputy County Counsel, Los Angeles County Counsel's Office and reviewed by BOE Chief Counsel. Possible Board Action.

² Testimony was presented Mr. Thomas R. Parker (Sr. Deputy County of Los Angeles), BOE Counsel Henry Nanjo, the BOE Executive Director Yvette Stowers, Kristine Lee, President of the California Assessor's Association (CAA), and representatives of CATA (Marc Aprea, Craig Becker and Paul Waldman).

materials and that the BOE instead revisit the matter at the October 24, 2023 meeting, when the BOE should address two things:³

First, the BOE should address the threshold question of whether the BOE should be developing BOE approved training materials for AAB County Counsel, or whether this task should be left to the individual counties.

Second, if the BOE does desire to move forward to develop and approve training materials for AAB Counsel, how best to move forward with that project. The BOE would then need to determine an appropriate process for developing these training materials which would include the opportunity for public input from all pertinent stakeholders, including local assessors, AAB administrators and county counsel as well as taxpayers and their representatives.

The BOE members unanimously approved Board Member Lieber's two-part September 26, 2023 motion.⁴ Accordingly, CATA is writing to provide the BOE what it believes is the best path forward for BOE on this matter.

First, CATA strongly concurs that it is the BOE that should be taking action to develop uniform training materials for AAB Counsel that can be used statewide.

Second, that the BOE should adopt a public comment and review process similar to that used for development of Assessor Handbooks and that this work be done by the BOE's existing Assessment Appeals Working Group.

The BOE Should Be Developing Uniform State-wide Training Materials for AAB Counsel

Both the California Constitution and the California Government Code charge the BOE with providing the appropriate oversight to ensure uniformity and fairness in the assessment of local property taxes. It is these authorities that imbue the BOE with the power and authority to develop and adopt property tax rules, publish assessor handbooks, adopt training materials for both appraisers and AAB members, issue specific assessment guidelines and to also answer specific taxpayer and assessor questions through the issuance of LTAs and rulings.

³ It was noted that Mr. Parker's materials had not been posted to the BOE's website until roughly a week before the BOE's September 26, 2023 meeting, and that neither County Assessors, County Counsel or taxpayers had had the opportunity to sufficiently review the materials. As noted at the September 26, 2023 BOE hearing, all parties appreciate the excellent work of Thomas R. Parker, Senior Deputy County Counsel of Los Angeles County. His twenty-seven-page compendium of the BOE's procedural rules for local AABs is excellent foundational work for this training course for AAB Counsel. However, these materials have not been in the public domain long enough for appropriate public comment and review which is necessary for approval and adoption by the BOE.

Both CATA and Kristine Lee of the CAA noted that these materials would benefit from review and comments by all stakeholders. Public review and comment could also lead to an expansion of the training materials beyond just the AAB procedural rules to include guidance to AAB Counsel on the legal standards required for proper application of substantive valuation standards as well as additional guidance on other parts of the AAB's hearing and decision-making process.

⁴ Kristine Lee, President of the CAA, as well as the representatives of CATA, all spoke in favor of Vice Chair Lieber's motion.

In carrying out its constitutional mandate of ensuring uniformity and fairness in local property taxes, it is essential that the BOE be actively involved providing guidance to County AABs. Local AABs are a critical part of California's property tax system as they are the quasi-judicial bodies that are constitutionally empowered to decide disagreements between taxpayers and assessors, with the courts required to give AAB decisions deference upon any appeal. The fact that AAB members are most often part-time community volunteers and typically not attorneys, makes the role of AAB counsel and the advice AAB counsel gives AAB members critically important in ensuring the issuance of fair and just decisions. Accordingly, it is essential that the BOE be actively involved to ensure that AAB counsel are providing their local AABs the best guidance possible on the critical legal issues at every juncture of the AAB hearing and decision process necessary to provide fair and uniform decisions.

It is crucial that the BOE be leading the effort for developing and approving uniform state-wide training materials. As Kristine Lee of the CAA mentioned at the September 26, 2023 BOE hearing, smaller counties do not have the resources to provide the necessary training for AAB counsel. Indeed, CATA has also heard from medium-sized and even larger counties that they too would welcome state-wide training materials for AAB counsel as they too are struggling to provide the necessary training to ensure that AAB counsel are adequately prepared to provide the high quality of legal advice needed by their local AABs.⁵

We note that the importance of the BOE's role in providing guidance to local AABs is also confirmed by Revenue and Taxation Code 1624.02 which requires that BOE approved training materials for County AABs be developed in conjunction with both county assessors and appeals boards and local property tax practitioners. In fulfillment of that statutory mandate, the BOE has already developed and approved state-wide training materials for AAB Board Members and AAB County Clerks. The training materials for AAB County Counsel are just as important and we respectfully submit that the BOE should embrace this task of also providing uniform state-wide training materials to AAB County counsel.

CATA Recommends the Development of BOE Approved AAB Counsel Training Materials and a BOE Approved Training Course be assigned to the Assessment Appeals Working Group

We recommend that the Board adopt a process for development of these training materials similar to the review and comment process the Board uses for proposed revisions to an Assessor Handbook. We also recommend that the Board adopt a process for the development of a BOE approved training course. We suggest that the development of AAB training materials and training course be added as a new project of the existing Assessment Appeals Working Group, or alternatively, that the Board develop an entirely new working group for Assessment Appeals Board training.

Indeed, there is already a well-traveled path for this process, as the BOE has already developed an Assessment Appeals Manual as well as training materials for AAB members. We suggest that

⁵ CATA notes that very few counties have dedicated AAB counsel, and that county attorneys assigned this task are often juggling this work among many other assignments. Moreover, the background and training of most county counsel is typically steeped in general litigation, with limited experience and training in taxation, and typically little or no background and training in local property taxes.

these past processes be used as a guide and that BOE Staff, CAA, CATA and other taxpayer groups work together on an appropriate time-table for the Assessment Appeals Working group toward developing a collaborative process for the efficient development of these training materials and training course.⁶

CATA and its members look forward to working with BOE Members, BOE Staff, Mr. Parker and our fellow property tax practitioners (both those representing taxpayers and those representing counties), in this important project of developing AAB training materials and training course for AAB Counsel. CATA is committed to being actively involved in this important process and expect that other taxpayer advocacy groups will be actively involved as well.

We very much appreciate that you have identified this as an opportunity for the Board to continue to exercise its essential constitutional duties to provide ongoing oversight to ensure the quality and fairness of the California property tax system. As noted above, the BOE's development of training materials and a training course is particularly important as quality and fairness in the AAB decisions resolving disagreements between taxpayers and assessors is critical to maintaining the fairness and credibility of local property assessments.

Thank you for your consideration of our views.

Sincerely,



James DePasquale
Chairman and President
California Alliance of Taxpayer Advocates



Craig Becker
Vice-President
California Alliance of Taxpayer Advocates

cc: Honorable Sally Lieber, Second District, Vice Chair
Honorable Ted Gaines, First District
Honorable Mike Schaefer, Fourth District
Honorable Malia M. Cohen, State Controller

Ms. Deborah Bautista-Zavala, Chief Deputy, Office of Chairman Antonio Vazquez
Mr. Gary Gartner, Chief Deputy, Office of Vice Chair Sally Lieber
Mr. Matt Cox, Chief Deputy, Office of Member Ted Gaines
Mr. Cody Petterson, Chief Deputy, Office of Member Mike Schaefer
Mr. Hasib Emran, Deputy State Controller
Ms. Yvette Stowers, Executive Director
Mr. Henry Nanjo, Chief Counsel

⁶ The second part of Ms. Lieber's motion also noted that the BOE would need to connect with LA Deputy County Counsel Parker to see if he would be agreeable to the BOE using his 27-page compendium on the procedural rules as a starting draft for the BOE work on this project. It is our understanding that Mr. Parker has since noted he is willing to have his materials used for this project.

Ms. Dawyn R. Harrison, County Counsel, County of Los Angeles
Mr. Thomas Parker, Senior Deputy County Counsel, County of Los Angeles