

From: Leslie Davis [LDavis@co.calaveras.ca.us]

Sent: Friday, April 15, 2011 9:44 AM

To: Kinkle, Sherrie; Arndt, Philip; Barrera, Jennifer; Bosscher, Barry; Ginsborg, David; Guertin, Mira; He, Mengjun; Jacob, Mike; Jones, Michelle; Leavenworth, Deane; Lew, Norene; LoFaso, Alan; Maeng, Elizabeth; Mandel, Marcy Jo @ SCO; McIntyre, Carolyn; Moore, Matt; Nakanishi, Alan; Michele; Sinsheimer, Jeffrey; Yoon, Art; Williams, Lee; Treichel, Tim; Thomas, Robert; Lewis, Janet; Dulany, Katherine; Rodriguez, Gina; Ewert, Jim; Turner, Greg; Shah, Neil; Michaels, Peter; Cota, Linda; Kriesant, Carl; Renkei, George; Petersen, Alan; Edginton, Barbara; Price, Bill; Willmon, Clarence; Harp, Daniel; Maness, Deanna; Dominguez, Debbie; Dona Queirolo; Park, Helen; Brown, Ken; Fuentes, Marie; Casas, Melanie; LeBeau, Tiffany; Torres, Gloria; Poli, Vicki; Lyon, Chris; Reynolds, Chris; Brough, Chuck; Deutsch, Cindy; Palacio, Ed; Randich, Greg; Beruk, Jan; Waters, Jan; White, Jessica; Coley, Jim; Emlay, Katie; Shell, M.; Maya, Mercy; Gieser, Suki; Gravett, Todd; Aldana, Lucy; Altura, Abigail; Anderson, Chrissy; Atkinson, Janice; Baird, Ken; Benson, Rich; Blakemore, Ken; Bordon, Chin; Bordonaro, Tom; Buckner, Roy; Budmark, Cheryl; Bunch, Ken; Butler, Joel; Caetano, Ken; Caldwell, Curt; Christensen, Kent; Church, Mark; Cogdill, David; Conde, Mary; Crafts, Becky; Curren, Beverly; Dictos, Paul; Draeger, Dennis; Dronenburg, Ernest; El Dorado County; Elliott, Tom; Fernandez, Juliette; Fitch, James; Fleener, Renee; Gavin, Katie; Goodwin, Dan; Gray, Phyllis; Gregory, Lori; Guillory, Webster; Hammar, Mike; Hart, Steven; Hennessy, Cynthia; Henning, Jody; Hill, Roland; Holland, Fred; Holland, Joe; Holly, Richard; Horne, Sue; Hunt, Dave; Kaiser, Ken; Kathleen, Kelleher; Kidwell, Tom; King, Rick; Kramer, Gus; Lanshaw, Thomas; Leonhardt, Charles; Lewis, Janet; Magar, Frances; Mallory, Mike; Marshall, Laura; McKinney, Jan; Miller, Penny; Morgan, Leslie; Newell, Frank; Noguez, John R.; Park, Linda; Peets, Dave; Ranochak, Susan; Rooney, James; Saldavia, Sean; Santa Clara; Savard, Matt; Schlueter, Dan; Slavich, Tom; Solie, John; Spears, Kristen; Stone, Larry; Stottlemeyer, Bruce; Stroud, Dale; Sutter County; Takemoto, Ann; Terrell, Tammy; Tessier, Cheryl; Thomsen, Ron; Thur, Sheryl; Ting, Phil; Tonneson, Marc; Toppenberg, Sue; Trimmell, David; Tuteur, John; Vagnini, Stephen; Wacker, Douglas; Wall, Jim; Ward, Lawrence; White, Shanna; Wilson, Debbie; Wilson, Louise; Wilson, Mari; Winton, Mike; Wong, Annie; Yalong, Lilia; Yeung, Charmaine; Zoller, Wayne
Cc: Bagoood, Bryan; Gau, David; Harris, Mike; Kinnee, Dean; McDade, Michael P; Moon, Richard (Legal); Ferris, Randy (Legal); Sutter, Mark; Bisautia, Christine (Legal); Heller, Bradley (Legal); Edginton, Barbara
Subject: RE: Interested Parties Meeting -- April 20, 2011 -- Possessory Interests Annual Usage Report
Sherrie,

I've read the proposed LTA and have the following comments:

Perhaps it is a bit naïve, but I do not understand how I can send out PI Usage Reports with the requirement that it be filed by February 15 but the LTA (page 2, paragraph 4) states that it "does not contain information requested by the county assessor." In fact, the history cited in paragraph 1 on page 1 states that the use of the form is permissive in that it is one of two options that agencies can use to report the required information. But, if I mail it to public agencies its completion is no longer permissive. So, the premise that the information is not requested by the county assessor, as a basis for the conclusion that the form should not be confidential, is shaky at best.

This same concept applies to the conclusions stated in the first paragraph on page 3. If the use of the form is permissive, and it must be since the agency has the option of completing a PCOR or COS to report the information, how is it that the BOE would tell assessors that they are required to keep the report because "*Usage Reports* are (1) required to be filed with county assessors...and (3) county assessors have a general duty to keep *Usage Reports* as part of their records regarding the assessment of these properties." I would make the argument that the *Usage Report* is not required to be filed with county assessors UNLESS THE COUNTY ASSESSOR REQUESTS IT. This also seems to create an unfunded mandate.

I am adamantly opposed to any requirement that assessors provide copies of backup documentation that may be provided by other public agencies. The assessment record is confidential and can only be reviewed by those authorized by statute or by the assessee and/or his designee. To open those assessment files to anyone in the public is a travesty and potentially precedent-setting. Assessors are not the custodian of the public record created by an agreement between a private party and another public agency. Assessors should not be put in the position of making some assessment records available for public inspection when that is not the standard for all other assessment records. The existence of a possessory interest assessment should alert anyone in the public that an agreement of some sort exists between a private party and a public agency. Section 602(c) requires "a description of possessory interests sufficient to identify them." Anyone who needs the public record related to that PI, should have enough information to contact the appropriate public agency who is the custodian of that public record.

Finally, assessors should not be put in the position of policing the intent of anyone, let alone another public agency. If a public agency chooses to report the required information via a PCOR or COS, that is their statutory right. We can no more ask their motivation for following one section of the code over another than we can ask the public why they are making a Public Records Act request. The bottom line is this: I have no intention of sending a letter requiring the PI Usage Report instead of a duly submitted PCOR or COS. I don't have the time to take that action, I don't have the staff, and I don't have the budget. Perhaps the BOE would like to fund this new requirement? Or remove the entire paragraph from the LTA. Or start over entirely.

Respectfully,

Leslie K. Davis
Assessor
Calaveras County
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