



Legislation Text

File #: 19-234, **Version:** 1

Consider approving a fee waiver in the amount of \$48,156.04 for the Metropolitan Transportation Commission/Association of Bay Area Governments for certain Assessor/Recorder data; and Consider approving the Assessor/Recorder's long-standing practice of waiving or charging a reduced fee for public agency partners located within Solano County

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Assessor/Recorder Department requests that the Board of Supervisors:

1. Considers approving a fee waiver in the amount of \$48,156.04 for the Metropolitan Transportation Commission/Association of Bay Area Governments for certain Assessor/Recorder data; and
2. Considers approving the Assessor/Recorder's long-standing practice of waiving or charging a reduced fee for public agency partners located within Solano County

SUMMARY:

The Assessor/Recorder Department prepares and keeps certain property-related information, including the local assessment roll, property sales, property characteristics, and market data. The Department has been given authority from the Board to provide this information to the public for a fee set and reviewed annually by the Board. Most of this information is a disclosable public record required by law to be kept or prepared by the Department. It has been a long-standing practice of the Department to waive most or all of the fees for Solano County public agency partners who would otherwise be required to pay the full fee for the information. MTC/ABAG has requested the Board waive the fee to acquire secured roll and property characteristics data. The fee for that data totals \$48,156.04. As this is the largest request for a fee waiver that the Department is aware of and is made at the request of an agency not located primarily in Solano County, the Department is asking the Board to approve this waiver. Furthermore, the Department is asking the Board to approve the Department's long standing practice of reducing or waiving fees for our Solano County public agency partners, which would be codified as part of the annual fee item later this year.

FINANCIAL IMPACT:

The fee for the information requested by MTC/ABAG would normally be \$48,156.04. The waiver of this fee would mean the requested sum would not be added as revenue to the Department's budget.

The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2018/19 Adopted Budget.

DISCUSSION:

The duty of the county assessor is to discover all assessable property, to inventory and list all taxable property, to value property, and to enroll the property on the local assessment roll. The local roll includes, but is not

limited to, the name of the county, the calendar year it was prepared, the assessor's parcel number, the name and address of the assessee, and the assessed values of all land, improvements, and personal property subject to taxation. These data are compiled and maintained in the Solano County Integrated Property System (SCIPS) and most of the data are open to public inspection and available to the public and government agencies for a fee. The fee is set annually by the Board.

Any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, disabled veterans' exemption claims, and homeowners' exemption claims are not public documents and shall not be open to public inspection. The assessor is, however, required to disclose information, furnish abstracts or permit access to all records in his or her office to agencies listed in the Revenue & Taxation code, including but not limited to, the county grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office, employees of the Franchise Tax Board, the Department of Transportation, etc. Upon the request of the assessee or his or her designated representative, the assessor shall make available all information relative to the assessee's property.

By law, the Assessor is required to maintain "property characteristics" information, which includes, but is not limited to, the year of construction of improvements, the square footage of the property, the number of bedrooms and bathrooms, the property acreage and other attributes and amenities including pools, views, zoning, etc. Property characteristics are a public record and open to public inspection. If the assessor provides property characteristics information to a requesting party, the assessor may require that a fee related to the cost of developing and providing the information be paid by the party receiving the information. Furthermore, by statute, the actual cost of providing the information is not limited to duplication cost and may include recovery of development and indirect costs such as overhead, personnel, supply, material, etc. All revenue collected by the assessor for providing such information shall be used solely to support, maintain, improve, and provide for the creation, retention, automation, and retrieval of assessor information.

The Assessor also maintains a list of transfers of any interest in property within the county which have occurred within the preceding two-year period. This list referred to as "market data" includes transferor and transferee, assessor parcel number, address of the sales property, date of transfer, date of recording and recording reference number, and if known by the assessor, the consideration paid for the property. As with property characteristics, this list is open to public inspection.

The Department provides this information to the general public (private citizens, companies, etc.) and government agencies. Private companies include Parcel Quest who purchases the data and repackages and sells it under its brand to its customers. Another company that purchases, repackages and sells information to its customers including some cities in Solano County, is HDL Coren and Cone. Both companies are charged the full fee set by the Board. Government agencies are purchasing the same or similar data and using it for their own purposes but their purchase price is substantially less and sometimes there is no charge.

It has been a longstanding practice of the Department to waive most or all of the fees for our Solano County public agency partners who would otherwise be required to purchase the information. The Department waives fees for local agencies including the cities, the local fire districts, the Solano Irrigation District, and school districts. Generally, the waiver only applies to Solano County agencies; however, it has waived fees for agencies outside the county who have some jurisdiction in the County, including the Davis Joint Unified School District. Most waivers are of the cost per record which ranges from \$0.01 to \$0.15 per record (parcel), and not the flat fee. The parcel count ranges from a few thousand parcels up to 146,714 parcels (the current parcel count for the entire county). For example, the official roll consists of 146,714 parcels at a cost of \$0.01 per parcel would cost \$1,467.14 plus a flat fee of \$100.00. Should a local government agency request a waiver, the Department would waive the per parcel charge and charge only the flat fee of \$100.00.

The benefit to the Department is this practice promotes a positive working relationship with our partner public agencies. Furthermore, it is a good assumption that the County benefits from other agencies waiving fees for

various records under the same notion of comity. In fact, MTC/ABAG has offered to share the results of the data and planning analysis with counties and jurisdictions to further planning efforts region-wide. Lastly, charging the full amount might incentivize public agencies to obtain the information from the Department as opposed to a private company. For instance, if we were to not waive fees for the information these agencies obtain, it is likely they would not purchase the data from this Department and instead purchase it from one of the private companies, which likely don't offer such an attractive waiver.

ALTERNATIVES:

The Board could choose not to approve the fee waiver requested by this recommendation and MTC/ABAG would have to pay the entire sum to obtain the data. The Board could alternatively waive a portion of the fee and MTC/ABAG would be required to pay the difference, should it still desire to purchase the data. This is not recommended for the reasons stated above.

Regarding the approval of the Department's long standing process of waiving fees for Solano County partner agencies, the Board could deny the Department's discretion to waive any fees or direct the Department to waive certain fees. This is not recommended for the reasons stated above.

OTHER AGENCY INVOLVEMENT:

The Department of Information Technology (SCIPS) and County Counsel were consulted in the preparation of this item.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION