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April 30, 2012

The Honorable Cameron Smyth
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, CA 95814

Re: AB 1590 (Campos)—Definitional Changes to Brown Act—OPPOSE

Dear Chair Smyth:

On behalf of the Solano County Board of Supervisors, I write to advise that we must register our **OPPOSITION** to **Assembly Bill 1590 (Campos)**, which would apply provisions of the Brown Act to local boards of equalization and assessment appeals boards.

The State Constitution defines the deliberations and actions of a county board of equalization and assessment appeals board as having a quasi-judicial function. These boards have no legislative or executive functions, duties or powers. Boards of equalization and assessment appeals boards operate very much like courts. The board's hearings already are open to the public except when items involving trade secrets are discussed, and when the board meets in closed session after the conclusion of the hearing to deliberate. The courts have long recognized that a county board of equalization makes its orders only on the basis of legal evidence, as prescribed in state property tax laws and regulations.

The Brown Act was not intended to govern the actions of the courts or bodies whose function is purely adjudicatory. The Brown Act was intended to ensure that the public has access to the meetings of various types of local bodies that legislate, develop public policy, and oversee the operations of local government agencies. Of specific note is the Brown Act's requirement of mandatory 72 hour notice posting of agendas. Hearings of boards of equalizations/assessment appeals boards proceed much differently than agendas of legislative bodies. Thus, imposing posting requirements could have an adverse effect. One such result is a delay in taxpayers obtaining relief through expeditious hearings – something valued in quasi-judicial proceedings. AB 1590 inappropriately applies Brown Act provisions for legislative bodies to quasi-judicial assessment appeals boards that are alternately duplicative, irrelevant, unconstitutional or disruptive to the operation of the boards themselves to the detriment of the appellants and the counties alike - without even an adequate explanation of the problem to be solved.

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For these reasons, we must respectfully OPPOSE AB 1590 (Campos), and urge you to vote “no” when it is heard in your committee. Thank you for your consideration.

Sincerely,



Linda Seifert
Chair, Solano County Board of Supervisors

CC: Members and Consultants of the Assembly Local Government Committee
Honorable Nora Campos