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CITY OF SACRAMENTO



DEPARTMENT OF LAW
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CITY MANAGER'S OFFICE
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DEPUTY CITY ATTORNEYS

January 5, 1982

Honorable City Council
Council Chamber
City Hall
Sacramento, California 95814

RE: DESIGNATING THE COUNTY OF SACRAMENTO AS AGENT FOR SERVICE
OF PROCESS IN ACTIONS AGAINST THE CITY FOR PROPERTY TAX
REFUNDS

Members in Session:

SUMMARY

The County Counsel currently defends actions against the City seeking property tax refunds. State law now requires that the City designate the County as its agent for service of process if the City wishes to continue to provide for its defense by the County Counsel in such actions. The attached resolution would so provide.

BACKGROUND

The City of Sacramento has had the Sacramento County Counsel defend actions against the City seeking property tax refunds. This procedure has been in accordance with Revenue and Taxation Code Section 5149.

Section 5149 has recently been amended (effective January 1, 1982) to require that the City designate the County as its agent for service of process in such actions if the City wishes to provide for its defense by the County Counsel. The County may impose fees upon the City to defray its incurred costs. The City may withdraw its designation of the County at any time.

The attached resolution designates the County as the City's agent for service of process in property tax refund actions against the City. Its adoption is necessary if the City wishes to continue its practice of providing for defense of the City by the County Counsel in such actions.

APPROVED
BY THE CITY COUNCIL

JAN 20 1982

OFFICE OF THE
CITY CLERK

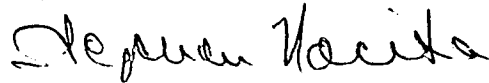
The Clerk to the Board of Supervisors currently receives process on behalf of the County of Sacramento. We have been asked to designate the Board's Clerk as the City's agent for service of process if the City wishes to provide for its defense by the County Counsel. The attached resolution so provides.

RECOMMENDATION

For the foregoing reasons it is recommended that the attached resolution, designating the County as the City's agent for service of process in property tax refund cases, be adopted.

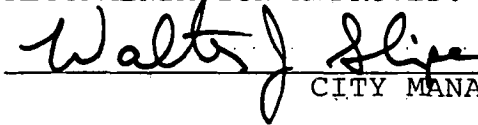
Very truly yours,

JAMES P. JACKSON
City Attorney



STEPHEN B. NOCITA
Deputy City Attorney

RECOMMENDATION APPROVED:



CITY MANAGER

SBN:GD
attachment

RESOLUTION NO. 82-046

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION DESIGNATING THE COUNTY OF SACRAMENTO
AS AGENT FOR SERVICE OF PROCESS IN ACTIONS AGAINST
THE CITY FOR PROPERTY TAX REFUNDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the County of Sacramento, by and through the Clerk to the Board of Supervisors, is hereby designated as the City of Sacramento's agent for service of process in any and all actions brought against the City under Article 2 of Chapter 5 of Part 9 of the California Revenue and Taxation Code.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

JAN 20 1982

OFFICE OF THE
CITY CLERK