



From: Shawn Mooney

Sent: Monday, August 17, 2020 10:28 AM

To: Nanjo, Henry ; Thompson, Lisa ; **Cc:** Fleming, Brenda ; Cohen, Malia

Subject: [External] BOE Lisa Thompson Tax Payer Bill of Rights Public Comments/Complaint on Stadium Naming Rights escaped assessments?

Proceeding Clerk Henry Nanjo, as a reasonable accommodation please have my public comments read into the meeting record.

Shawn Mooney 8-17-2020

From: Shawn Mooney

Sent: Monday, August 17, 2020 10:22 AM

To: Lisa Thompson BOE Tax Advocate ; BOE Henry Nanjo Chief Attorney ; Exec Director Brenda Fleming; Malia Cohen Chair BOE; SF Carmen (ASR) Chu; Ted Gaines ; Antonio Vazquez ; Betty Yee CA Controller

Cc: BOE Kari Hammond Chief Staff Horton; Leslie K Davis Pres. CAA; ASM Phil Ting; Daniel Kim ; BOE David Yeung; Elaine Howle State Auditor; Keely Martin Bosler DOF Chief; Keely Martin Bosler DOF Chief; Patty Lumsden ; Yvette Stowers Deputy Controller

Subject: BOE Lisa Thompson Tax Payer Bill of Rights Public Comments/Complaint on Stadium Naming Rights escaped assessments?

Tax Advocate Lisa Thompson,

Special Topic Surveys, authorized by sections 15640 and 15643 of the Government Code, are conducted as needed.

Attached is the April 2000 BOE Special Topic Survey on Possessory Interest. This 20 year old special survey is outdated and needs to be undated.

The focus of this tax payer complaint is Stadium Naming Rights and whether they are uniformly taxable interest statewide.

Further when naming rights are sold on public land does the name change trigger a "change in ownership" and reassessment?

To illustrate and demonstrate this complaint by example, the SF Giants stadium naming rights have changed four times in 20 years.

Originally named **Pacific Bell Park**, then **SBC Park**, then **AT&T Park**, the stadium's current name **Oracle Park** was adopted in 2019.

For more than \$200 million, Oracle Corporation, the world's second-largest software maker, paid for naming rights to AT&T Park

Tax Advocate Lisa Thompson, since April 2000 when the Special Topic Survey was

published, naming rights have become big business.

Since April 2000 Naming Rights of professional sports Arena and Stadiums have greatly expanded into Colleges and Universities stadiums and arena that are located on public land and not enrolled on the local tax rolls.

Tax Advocate Lisa Thompson, the April 2000 BOE Special Topic Survey on Possessory Interest and Naming Rights being a taxable possessory interest is not clear or uniform throughout the state, thereby causing confusion and escaped assessments statewide.

STADIUM OR ARENA NAMING RIGHTS

Generally speaking, a naming right is a contractual right held by a corporation or other legal entity to **attach** its name, or trade name, to a specific stadium, arena, or other type of real property, typically for marketing purposes. **Whether naming rights in publicly owned stadiums or arenas constitute taxable possessory interests has not been addressed legislatively or in the courts.**

However, the position **that billboard rights (i.e., signage rights) on publicly owned property are taxable possessory interests is generally accepted.** When a company pays a property owner for the use of his/her property as an advertising billboard, the payment is for a right to use real property. The fact that the property in question may be a sports stadium or arena is irrelevant. Further, if the **property is publicly owned, such a right constitutes a taxable possessory interest.**

The questionnaire asked if naming rights in publicly owned stadiums or arenas were considered when valuing taxable possessory interests (question 25).

Of the 52 reporting counties, 41 county assessors indicated that no such interests exist in their counties;

6 county assessors reported that they do not consider such interests; and 5 county assessors indicated that they do consider naming rights when valuing stadium taxable possessory interests.