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Supreme Court on property taxes

letters to the editor

Earlier this year a district court upheld the property tax appeals of 17 taxpayers. The Honorable Judge Maddox ruled that all 2003 assessments for Incline Village/Crystal Bay were unconstitutional because the assessor had used illegal methods to value property. Based upon this decision, as well as other convincing evidence presented to them, the County Board of Equalization then reduced the 2006 assessments for all 8,700 parcels in our community to the 2002 level. Taxation officials then appealed the Maddox Court's decision to the Nevada Supreme Court, which ordered that this action by the County Board must be put on hold until the Supreme Court had reviewed the appeal of Judge Maddox's decision. On June 15, the Supreme Court heard oral arguments on the matter and is now in the process of deciding it.

The main argument made by taxation officials is that an assessor should have unlimited discretion to use whatever methods he sees fit to determine the value of property, and that the State Board of Equalization was correct in accepting these methods. Taxation officials further argue that the State Board of Equalization has no duty to equalize property values which are below their total market values.

Our position has been that unlimited discretion for assessors is neither sensible nor legal. An assessor's discretion is limited by assessment rules, which all assessors in the state must follow in order to ensure that taxation rates will be uniform and equal statewide, as required by Nevada's Constitution. The methods of valuing property which the Assessor used in our community broke the law and produced unequal and excessive assessments. This failure of equalization has been proven by renowned

experts, and has even been confirmed in a recent study by the Department of Taxation, itself. The State Board may not uphold illegal assessment methods and has no excuse for failing to equalize values, because Nevada's laws require equalization of assessments regardless of whether they are below the total market value of property. Because our assessments are unequal and because the assessor failed to use methods required by law, our property taxes are unjust and unconstitutional.

Judge Maddox recognized this problem and has therefore granted the taxpayers reasonable and just relief by voiding the unconstitutional portion of the 2003 assessment. To reverse Judge Maddox's decision would throw the assessments back into chaos, reinstate the unconstitutional values, validate the violation of law, and punish taxpayers for being right on the facts and law.

As a matter of basic fairness, the burden of resolving the problem of unconstitutional taxation must be upon the officials who caused it, not upon the taxpayers who have endured its consequences for years. The taxpayers are entitled to the relief granted by Judge Maddox, and the taxation officials responsible for creating this mess should clean it up

Despite the many years we have been forced to endure unjust and excessive taxation, and despite the sincere frustration we often feel, we must nevertheless remain patient and have faith in the process of justice which is now occurring in the Nevada Supreme Court.

*Les Barta
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