

OUR PROPERTY TAXATION BATTLE STILL NOT OVER PLUS OTHER BATTLES BREWING!

ALERT: #269 DATE: April 18, 2013 **TO:** Incline Village & Crystal Bay Property Owners **FROM:** Village League Tax Revolt Committee

Dear Incline Village & Crystal Bay Property Taxpayers,

This Alert is for those of you who did not see today's Bonanza newspaper. The article below accurately reports current efforts by the bureaucracy to increase our taxes and allow the use of private property by the public. The Village League is joining with others, including Nevada's Ranchers and Farmers, to do everything possible to stop yet another assault on our rights.

This is truly hard to believe!

Jim Clark: Breaking Down Washoe County Assembly Bills

AB 46, which will raise Washoe County property taxes \$0.05 per \$100 assessed valuation and increase our sales tax rate by \$0.25, passed out of committee with all Republicans voting against it except Assemblymen Randy Kirner and Pat Hickey. One of its worst features which would have sidestepped the 2/3 vote required by Nevada's Constitution to raise taxes was amended out so the measure will require a supermajority vote by both the Assembly and Senate plus the governor's signature to become law. A glimmer of hope brightened when Governor Sandoval's press secretary told reporters that the governor "remains opposed to this bill in its current form." Also last Tuesday, the Washoe County GOP Executive Board voted unanimously to oppose AB 46.

Meanwhile, a really confusing bill, AB 396, relating to public access to lands on which Nevada's waters lay, now looms. The language appears intended to create a right of public access to waters and exposed lands for recreational purposes (defined as "boating, fishing, swimming and wading") that lie below the "ordinary high water mark" of a body of water. "Ordinary high water mark" is not defined in the bill.

The measure goes on to provide that owners of littoral (water-adjacent) private lands can erect fences or other barriers (presumably at the "ordinary high water mark") to exclude trespassers but must provide a "ladder, gate or other device" that allows members of the public and whatever they are floating on to get by or through the barrier. Finally, the proposal affirms that private landowners can exclude the public from trespassing to reach what is proposed to be public land and/or water but only if they post 50 square inch signs every 200 lineal feet with fluorescent orange letters saying: "no trespassing." That would certainly spruce up Lakeshore Blvd.

So the big question is how this measure would work in Lake Tahoe, particularly with IVGID's beaches. Nevada Revised Statutes, section 321.595, states: "The boundary between the bed of Lake Tahoe owned by the State of Nevada . . . and adjacent lands owned by others . . . is established as a line whose elevation is 6,223 feet." Unless the Legislature tinkers with that provision it appears that AB 396 wouldn't trigger a mass public invasion at the Lake's current level of 6,226.1. However, over the last 20 years Lake level has varied from 6,220 to 6,229 so in drought years there can be prime bathing beaches open to the public.

Notwithstanding the above-referenced 6,223 foot public/private boundary definition AB 396 uses the term "ordinary high water mark" to delineate the public/private boundary. If the measure becomes law and its definition prevails there would still be an ambiguity because the Lake's "high water mark" was 6,221 before the dam at Tahoe City was built and is currently 6,229 with the dam in place. If the proposed law is

interpreted such that the latter is the “high water mark,” IVGID’s beaches would be in immediate peril of an amphibious invasion of sun seekers.

Maryanne Ingemanson, president of the Village League to Save Incline Assets, has learned a whole lot about assessed valuations over the years she has shepherded the litigation against Washoe County’s unconstitutional assessment practices. In one discussion a deputy county assessor opined to her that if IVGID’s beaches were opened to the public the average residential parcel would suffer a loss in value of about \$50,000.

This is worth fighting for, guys and gals. Email your elected officials at rkirner@asm.state.nv.us and bkieckhefer@sen.state.nv.us.

Jim Clark is President of Republican Advocates, and has served on the Washoe County and Nevada state GOP Central Committees. He can be reached at tahoebjc@aol.com.

Please Take Action

Please take 10 minutes to email Randy Kirner at rkirner@asm.state.nv.us and Ben Kieckhefer at bkieckhefer@sen.state.nv.us to express your opposition to both AB46 and AB396. We suggest you put “No on AB46 and AB396” as the email subject. Express your opposition in just one or two short paragraphs. Sign with your full name plus include your physical address.

It is the number of emails that count, not the length of each email message!

Thank you again for your wonderful support. Our collective efforts have worked in the past, unfortunately the battles continue.

Sincerely,

Maryanne Ingemanson

Maryanne Ingemanson, President Village League to Save Incline Assets, Inc. www.NevadaPropertyTaxRevolt.org

Village League to Save Incline Assets Board Members:

- **Maryanne Ingemanson**, President
- **Dale Akers**, Historian
- **Les Barta**, Law Research
- **Wayne Fischer**, Webmaster
- **Todd Lowe**, Financial,
- **Chuck Otto**, Public Relations

Village League to Save Incline Assets, Inc.

Non-Profit Corporation - FEIN 88-0399029
1165 Vivian Lane, Incline Village, NV 89451
775-831-4011, mingemanson@charter.net