

Washoe judge: County must refund taxes to 8,700 Incline property owners

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Incline Village residents wildly applauded Washoe District Judge Brent Adams' order Tuesday for the county treasurer's office to issue millions in tax refunds for Incline Village and Crystal Bay residents.

"I'm ecstatic," said George Webber, of Santa Cruz, Calif., who owns a home in Incline Village and was among more than 50 residents packed into the courtroom. Adams' order came after a state tax appeals board in July upheld a county tax appeals board's Match 2006 decision to roll back property values for all homeowners on the north shore of Lake Tahoe.

Tax refunds for fiscal 2006-07 could total up to \$13 million, plus interest, for the owners of about 8,700 residential parcels in Incline Village and Crystal Bay, county officials said. Washoe County Treasurer Bill Berrum said it could take a year to issue the checks.

Washoe County and the school district would lose the most tax revenue to pay the refunds.

Webber said the county should have given up the fight after it lost its first case before the Nevada Supreme Court in December 2006. Every year, he has filed his taxes under protest.

"They have stolen so much money from us, it's pitiful," Weber said, adding he expects a refund of less than \$10,000.

David Creekman, deputy district attorney, said his office will discuss with county officials an appeal of Adams' decision and of the Nevada Board of Equalization's decision in July, when his office gets them in writing.

The county could request a stay or halt to the tax refunds until their appeals are resolved.

Maryanne Ingemanson, leader of the Incline Village tax revolt, said Adams' decision is a victory worth celebrating. But she fully expects the county to find some reason to appeal.

Adams said the issue boiled down to deciding which of two orders should be given the most weight.

Washoe Treasurer Bill Berrum testified the tradition of his office and his reading of state law requires a written order before he issues tax refunds. If not, he said he could be accused of misappropriation of funds.

For seven years, Incline residents have been protesting their property values, complaining the county assessor used constantly changing formulas for valuing views of Lake Tahoe, beaches and other factors peculiar to the high-priced real estate at the lake.

Former county assessor Robert McGowan argued he was within his rights to set rules for valuing those properties. But in December 2006, the Nevada Supreme Court found the rules were unconstitutional because they should have been approved by the state tax commission.

Adams questioned whether due process had been doubly or triply applied to this case. Questioning why the county keeps appealing, Adams said the legal issues have been decided by the Supreme Court.

Berrum testified the state board sent a notice of its hearing to 200-300 more people than were listed in the case before Adams, making it "almost impossible" to determine who should get the tax refunds. Berrum said he would seek clarification on the list.

After much questioning by Adams, Berrum said his office has accurate records on who pays property taxes in Incline Village and Crystal Bay.

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