

Nevada tax board to hear Incline Village case, again

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INCLINE VILLAGE, Nev. — For the second time this summer, the Nevada State Board of Equalization is expected to offer a decision that would affect 8,700 Incline Village/Crystal Bay properties.

The state tax board on Monday, July 20, will hear a case regarding the 8,700 properties named in an October 2008 Nevada Supreme Court decision, and a potential ruling to roll back assessed property values for those properties to the 2002-2003 tax year — estimated at \$12 million — could take place.

The hearing starts at 9 a.m. Monday at the Washoe County Administration Complex, Building A, Commission Chambers, at 1001 E. Ninth St. in Reno.

If the SBOE rules all of Incline Village/Crystal Bay deserves a tax rollback, Washoe County must shoulder the refund. According to the Oct. 30, 2008, High Court ruling, “In oral argument before this court, the State Board noted that the County Board's equalization decision (2006) affected \$12 million in revenue.”

If Monday's decision is favor of IV/CB, Washoe County would appeal to the U.S. District Court of Nevada, said David Creekman, a deputy district attorney with Washoe County who is representing the assessor's office, in a previous interview.

Conversely, if the ruling goes in favor of the county assessor, the Village League to Save Incline Assets, the nonprofit group representing the 8,700 properties, also could appeal, said Maryanne Ingemanson, president of the league.

Case history

The Nevada Supreme Court on Oct. 30, 2008, ruled that the Nevada State Board of Equalization is within its jurisdiction to hear and offer an opinion on a case involving the 2006-2007 taxation year, in which the Village League to Save Incline Assets is representing 9,000 Incline Village and Crystal Bay parcel holders.

On March 8, 2006, the Washoe County Board of Equalization issued a general equalization decision for the 2006-2007 tax year, rolling back taxable valuations for about 8,700 IV/CB properties. The Washoe County Assessor (at the time, Bob McGowan) appealed the decision to the SBOE, which failed to consider the case until April 2007, and subsequently remanded the case to the WCBOE. The other 300 parcel holders involved in the 2006-2007 tax year already received settlements.

The Village League then filed suit against the state board, Washoe County, the Washoe County Assessor and Washoe County Treasurer, asking for the Supreme Court to declare that the SBOE's decision to remand the case to the WCBOE to be in “excess of its

jurisdiction or an arbitrary exercise of its discretion,” the opinion reads.

According to the Oct. 30 opinion — which can be viewed in its entirety in a PDF format at tahoebonanza.com — the court agreed the SBOE did have jurisdiction to hear the cases and demanded the SBOE “vacate its remand order and proceed with its consideration of the Assessor's appeal of the County Board's equalization decision on the merits.”

Why a second hearing?

SBOE was set to hear the case on June 10, 2009, in Carson City, but held off because of confusion with the hearing's logistics, instead

asking for clarification from the Nevada Supreme Court.

The high court later that day said it would not clarify its October decision, ruling SBOE must hear the case.

Some of the logistical concerns included whether the 8,700 taxpayers should be respondents in the case (in other words, each be given a chance to defend his or her case) and the 300 parcel holders' settlements should be viewed as evidence for SBOE to consider.

For more about the June 10 case and the subsequent high court ruling, read the full story at tahoebonanza.com/supremecourtruling.

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