

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

MONDAY

1:30 P.M.

JANUARY 23, 2006

PRESENT:

PANEL A

Steven Sparks, Chairman

Thomas Koziol, Member

John Krolick, Member

Pat McAlinden, Member

Gary Schmidt, Member

Marcia McCormick, Alternate

James Young, Alternate

ABSENT:

Jerry Hogan, Alternate

PANEL B

William Brush, Chairman

Benjamin Green, Member

Diana Pichotta, Member

Rex Williams, Member

Charles Woodland, Member

Wayne Brander, Alternate

Philip Horan, Alternate

Steve Snyder, Alternate

Amy Harvey, County Clerk

Nancy Parent, Chief Deputy Clerk

Peter Simeoni, Deputy District Attorney

The Washoe County Boards of Equalization convened in the Central Conference Room, Room C110, of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. The meeting was called to order by Chairman Sparks, the Clerk called the roll, and the Boards conducted the following business:

06-01E AGENDA

Member Schmidt stated he had requested several items that were not on the agenda; and he placed on file with the Clerk a copy of a letter addressed to Steven Sparks, Chairman, dated December 20, 2005 and hand delivered to the Chairman a week ago Friday. He indicated he would vote against approval of the agenda as posted.

In response to Member Schmidt, Chairman Sparks said all agendas were sent to the Clerk's Office, from the Clerk's Office they went to the District Attorney's Office for review, and this agenda was what came out of the District Attorney's Office.

Member Green asked if Chairman Sparks had received a copy of the agenda before the meeting. Chairman Sparks replied everyone received a copy, and he did not receive a copy prior to it being sent to the other members.

On motion by Member Krolick, seconded by Member Woodland, which motion duly carried with Member Schmidt voting "no," it was ordered that the agenda for the January 23, 2006 meeting of the Boards of Equalization be approved.

06-02E OATH OF OFFICE - NEW BOARD MEMBERS

County Clerk Amy Harvey administered the Oath of Office to the new Board Members of both panels that were present: Patricia McAlinden, William Brush, Benjamin Green, Diana Pichotta, Rex Williams, Charles Woodland, Marcia McCormick, James Young, Wayne Brander, Philip Horan, and Steve Snyder.

06-03E SELECTION OF A VICE CHAIRMAN – PANEL A AND PANEL B

Chairman Sparks stated all panel members should participate in the selection of the Vice Chairmen, including alternates. He said the floor was open for a nomination for Panel A Vice Chairman.

Member Koziol nominated Gary Schmidt to continue as Vice Chairman. Member McCormick nominated John Krolick. Member Krolick declined the nomination. Member McCormick nominated Pat McAlinden. Member Schmidt seconded his own nomination and placed on the record an objection to the alternates being able to nominate and vote for the Vice Chairman of their respective panels.

Chairman Sparks replied the alternates were part of the Board and had the right to participate in the activities of the Board.

Member Schmidt requested a legal opinion. Chairman Sparks said there would not be a legal opinion, because as the Chairman, he had made the decision and wanted to go forward

Member McAlinden seconded her nomination.

Chairman Sparks called for the vote. Member Schmidt received two out of seven votes and Member McAlinden received five out of seven votes. Member McAlinden was elected Vice Chairman of Panel A.

In response to Member Woodland, Chairman Sparks replied the Vice Chairman was elected yearly, and the Chairman of the Board of County Commissioners appointed the Chairman of the County Board of Equalization (CBOE).

Rex Williams and Charles Woodland nominated themselves for Vice Chairman of Panel B.

At the request of Chairman Sparks, the nominees provided a brief summary of their qualifications.

Member Schmidt noted that Chairman Larkin of the Board of County Commissioners appointed Member Brush as Chairman of Panel B and Member Sparks as Chairman of Panel A.

Chairman Sparks called for the vote. Member Williams received three out of seven votes and Member Woodland received four out of seven votes. Member Woodland was elected Vice Chairman of Panel B.

**06-04E DISCUSSION – NEVADA REVISED STATUTES, CHAPTER 361
AND NEVADA ADMINISTRATIVE CODE, CHAPTER 361 –
DISTRICT ATTORNEY**

Chairman Sparks stated his intent was to discuss the order of the hearings, the schedule of the hearings, and to provide an overview of what a County Board of Equalization (CBOE) hearing looked like for the new members.

Tom Hall, an Attorney representing some Incline Village petitioners, noted the agenda did not have an item for scheduling individual appeals. He said he had approximately sixty appeals he was requesting be combined into a consolidated hearing with more to come, and he would file a written petition for consolidation in the next day or so.

In response to Chairman Sparks, Peter Simeoni, Deputy District Attorney, advised scheduling and the consideration of consolidation of petitions should not be discussed because they were not agendaized.

Member Schmidt said he intended using agenda item number eight to discuss those matters.

Amy Harvey, County Clerk, said she was under the impression the Clerk's Office was to help schedule the hearings by neighborhood with the assistance of the Assessor's Office neighborhood code system. She said the scheduling of the hearings and of the room for the hearings was done, and she was not sure what would be discussed regarding scheduling. Chairman Sparks said the only discussion was on Mr. Hall's request. He commented last year 1,200 Incline Village taxpayers got together, engaged

Mr. Hall, and consolidated 1,200 cases into one hearing. He said there had been no notice or discussion prior to this meeting on consolidating any cases this year.

Member Schmidt believed the comments of the County Clerk were out of order. He said it was the business of this Board to do scheduling. He said any scheduling done without the authorization of this Board was subject to challenge, which he would do.

Ms. Harvey reminded the Board of the 10-day noticing requirement to petitioners. Member Schmidt objected to the Clerk participating in the discussion, but stated the law said it was the business of this Board to schedule and conduct the hearings. He stated he had not been noticed of any meeting where this Board discussed scheduling.

Mr. Simeoni reiterated the Board should not discuss any matters relating to scheduling. He said it would be a violation of the Open Meeting Law because it was not on the agenda. He said nowhere in the Nevada Revised Statutes (NRS) did it indicate scheduling was a specific duty that was identified as a BOE Board action item.

Chairman Sparks discussed NRS 361 and outlined the order of the hearings, notice requirements, and the responsibilities of the taxpayers, Assessor, and the Board. Chairman Sparks requested the new Board members look at what constituted evidence required to change an assessed valuation. He said the Board was establishing a record, which was the first step in the judicial process for filing appeals. He stated a lot of this Board's decisions get appealed beyond this Board. Chairman Sparks emphasized a record must be built on why the assessed valuation was or was not changed, and all discussion should be on the record. He also requested the new Panel B Board members attend a hearing of Panel A to see how things were done.

Member Green said he hoped a civil attitude towards each other would be maintained even if there were differing opinions. Chairman Sparks said there should be no screaming or demeaning of anyone's opinion.

Member Schmidt commented on the additional panel only serving for the designated fiscal year.

Mr. Simeoni said Chairman Sparks had conducted a thumbnail sketch on the role and responsibilities of the County Board of Equalization (CBOE); but he would be happy to help if any member had questions regarding their roles and responsibilities, limitations of their jurisdiction, or an interpretation of any provision at play during an appeal.

06-05E **WELCOMING REMARKS BY WASHOE COUNTY**
COMMISSION CHAIRMAN ROBERT LARKIN

Washoe County Commission Chairman Robert Larkin welcomed everyone and addressed the reasons for the additional panel. He discussed the need for

decorum and why the meeting was not being held in the Board of County Commissioners' Chambers. He discussed the appointments of the Chairmen, and stated Chairman Sparks would be Administrative Chair and would sit with Panel B as an advisor, so there would be continuity between the panels in terms of procedures. He said the County Clerk had exceptional staff, but he requested they be treated with respect, as should the District Attorney's staff. He said they were here to assist the Board and were not an adversary of the Board. He stated he would take full responsibility for how things were stacked this year and how things were put together, as that falls to the Chair of the Board of County Commissioners.

During public comment, Member Schmidt discussed his perceptions of the Board of Equalization (BOE), why he applied to be a member of the Board, and his objections to the proceedings and the publication of the schedule of the meetings. He said the schedule had not been caused by this Board to be published, which should be the first order of business of the Board.

Peter Simeoni, Deputy District Attorney, stated the Clerk's Office, pursuant to the Nevada Administrative Code, was designated to have the responsibility regarding noticing and was the designated staff for the BOE.

**06-06E DISCUSSION – OPEN MEETING LAW – PROPERTY TAX
MANUAL – ETHICS IN GOVERNMENT LAW – DISTRICT
ATTORNEY**

Peter Simeoni, Deputy District Attorney, conducted a PowerPoint presentation on the Open Meeting Law, the Property Tax Manual, and the Ethics in Government Law. A copy of the presentation was placed on file with the Clerk. Mr. Simeoni emphasized the County Board of Equalization (CBOE) was a public body and was subject to the Open Meeting Law; and it was important members not conduct the business of the CBOE away from the hearing, engage in serial communications, or walking quorums.

In response to Member Green, Mr. Simeoni said the Chairman votes; and he stated only the Board could be a defendant in an action, no individual members were subject to liability.

Member Schmidt commented he was accused in an action for his service on this Board and the County refused to provide him with legal counsel or pay for his own counsel.

In response to Member Schmidt, Mr. Simeoni said the issue of the pledge was in the Supreme Court's hands, but District Court had affirmed there was no legitimate basis for any lawsuit.

During Public Comment, Member Schmidt said Counsel had misstated the case on the pledge, and he discussed the case. He contended the Board had an adversarial

relationship with the Assessor's Office by law because the Board had oversight over the work of the Assessor's Office.

06-07E PUBLIC COMMENT

Ernie McNeil, retired Appraiser, thanked the Board members for what they were doing. He said it was absolutely untrue that the Assessor's Office had an adversarial position with the Board. He stated the Assessor's Office was the Board's advisor, as was the District Attorney's Office. He said the Assessor's Office would let the Board know how the appraisals were done and the data used. He stated the Assessor's Office would advise the Board on the appropriate appraisal practices, while the District Attorney's Office would advise the Board on the law. He said, as a taxpayer, he hoped the Board would listen to their advice. He said the Board should look at the facts on both sides and make a decision. He stated, if there was not enough information to make the decision, the Board had the ability to instruct the Assessor's Office to get more information. He reminded the Board that they represent every property owner in Washoe County, not just those that come before the Board.

Dale Akers, local resident, discussed Nevada's taxable value system and why he felt the reasons the Board used to justify its decisions did not make any legal sense.

Les Barta, local resident, welcomed the new Board members. He addressed the complexity of the Incline Village cases coming before the Board. He felt, because of that complexity and the familiarity of last year's Board with those cases, Panel A should hear them.

Maryanne Ingemanson, local resident, addressed the amount of time and money spent last year to consolidate the Incline Village/Crystal Bay cases, and she requested Panel A hear this year's Incline Village/Crystal Bay cases.

Gary Schmidt, Board Member, commented that scheduling was not on the agenda. He reiterated scheduling was a function of this Board; but it appeared the District Attorney's Office, the Clerk's Office, and perhaps the Chairman had done it. He placed his objections on the record. He reiterated his comments on adversarial relationships and commented on the Judges' decisions.

Tom Hall, Attorney, reiterated his comments about the consolidation of appeals, and stated he was concerned about having Panel B assigned to hear the Tahoe issues.

Josh Wilson, Assessor's Office, introduced himself to the new members. He requested the more difficult properties be moved back in the schedule to give the Assessor's Office more time to prepare. He said he did not feel an adversarial relationship with anyone on the Board.

BOARD MEMBER COMMENTS

In response to Member Koziol, Chairman Sparks said the schedule included in the package given to the Board members was the tentative schedule.

In response to Member Green, Peter Simeoni, Deputy District Attorney, stated comments could be made, but no action could be taken under public comment.

Member Schmidt asked for an explanation of why items he wanted on the agenda were not on the agenda. He requested scheduling and grouping be placed on the agenda for discussion and action along with possible conflict of Counsel issues.

In response to Member McAlinden, Chairman Sparks indicated the schedule would stay the way it was as far as he was concerned.

Member Krolick said he would like to have a discussion about the schedule put on the agenda as soon as possible. He stated Lake Tahoe had very unique properties, and it was a disservice to the people of the area to have all of the properties put on the agenda for the new Board members. He said the only representation on Panel B for Incline Village was an alternate member.

In response to Member Williams, Chairman Sparks said items not heard on the day scheduled would be carried over to another date certain time. Member Williams said sometimes a fresh approach can be refreshing, and he did not feel it was appropriate to say one panel was better than the other.

Member Green commented everyone was appointed to do a fair job of equalization, and he was starting to feel like a stepchild because he was on Panel B. He felt some of the comments were ill chosen because they made it appear Panel B would not give the people from Tahoe as fair a shake as those from Reno. He said everyone was here to do as fair and as good a job as they could. He felt, if someone did not feel they could be fair, they would recuse themselves.

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3:08 p.m. There being no further hearings or business to come before the Board, the Board adjourned.

STEVEN SPARKS, Panel A Chairman
Washoe County Board of Equalization

WILLIAM BRUSH, Panel B Chairman
Washoe County Board of Equalization

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Washoe County
Board of Equalization

*Minutes prepared by
Jan Frazzetta, Deputy Clerk*