

CARSON CITY BOARD OF EQUALIZATION
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A regular meeting of the Carson City Board of Equalization was scheduled for 10:00 a.m. on Tuesday, February 19, 2013, in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Jed Block
Vice Chairperson Lori Bagwell
Member Gary Schulz
Member Roy Semmens

STAFF: Dave Dawley, Assessor
Randall Munn, Chief Deputy District Attorney
Steve Walker, Chief Property Appraiser
Kimberly Adams, Property Appraiser
Tim Clark, Property Appraiser
Don Coon, Property Appraiser
Tamar Warren, Deputy Clerk/Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF QUORUM (10:00:01) – Chairperson Block called the meeting to order at 10:01 a.m. Roll was called and a quorum was present. Member Rasner was absent.

B. PUBLIC COMMENTS (10:00:14) – Chairperson Block entertained public comments; however, none were forthcoming. Mr. Dawley clarified an issue discussed during the February 12, 2013 meeting, stating that an appellant had raised questions regarding the noticing procedures of the Board's hearings. The appellant, according to Mr. Dawley, believed that the required time for the notice was 10 days. Upon research, Mr. Dawley had discovered that the 10-day notification was a requirement when the State Board of Equalization raised the value of a property; however, the State Board and the County Board followed the Open Meeting Law regulations, covered in Section two of NRS 241.020, incorporated into the record, noting a three-day notification period, starting from the time when the Clerk's Office mails the notifications. Mr. Dawley also noted that the Assessor's Office had done due diligence and has given additional time to appellants.

C. AGENDA MANAGEMENT NOTICE. (10:03:47) – Chairperson Block introduced the item. Mr. Walker noted that agenda item H had been withdrawn.

D. FOR POSSIBLE ACTION: APPROVAL OF MINUTES JANUARY 22, 2013. – There were no minutes to approve.

E. FOR POSSIBLE ACTION: PETITION FOR REVIEW OF ASSESSED VALUATION OF EUGENE LEPIRE, 5400 SOUTH CARSON STREET, APN 009-302-15. (10:04:31) – Chairperson Block introduced the item. Mr. Coon identified the property and invited the appellant to present his evidence. Eugene Lepire, Owner of Comstock County RV Resort, noted that he was here "to represent my property which I feel is unfairly extra-taxed". Mr. Lepire gave background on his property, noting that he had purchased it for \$295,000 and estimated that with a three percent cap, his taxes should amount to \$3,000. He stated that he had been taxed at a 10 percent cap rate, at \$17,162. Mr. Lepire introduced new appellant evidence, accepted into the record by Mr. Munn and incorporated into the record. He also believed that the property tax should remain at the three percent cap until it was sold, and stated that the buildings were over 40 years old and had depreciated. Mr. Lepire indicated that the winter months were not conducive to RV travel, and cited the poor economy.

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(10:10:44) – Mr. Coon presented the Assessor’s Evidence, incorporated into the record, noting that the land for said property was valued at \$1,947,131, with the improvements valued at \$716,126, for a combined net taxable value of \$2,663,257. Mr. Coon explained that they visit properties every five years to address any new improvements; however, in this case, he was informed that he was not allowed on the property, therefore had done what he could, with what he was able “to see from the street”. He also stated that he had used aerial photography and had noticed some new improvements that were placed on the roll. Mr. Coon also confirmed that a clerical error had been discovered on the last appraisal cycle, which, once corrected, had increased the net taxable value of the improvements. Mr. Coon wished to be allowed on the property to “take measurements” in order to “do some adjustments. He also noted that the land value had been currently valued at \$5 per square-foot, while supporting land sales suggested \$15 per square foot. Mr. Coon indicated that the Assessor’s Office had suggested the appellant use the income approach tool, which had been helpful to other appellants in the past; however, Mr. Lepire had declined. He also concluded that the Assessor’s Office did not have any recommendations for the Board.

(10:14:18) – Chairperson Block received clarification that the three percent cap applied to residential property and the eight percent cap was for commercial property, according to a law passed in 2005. Member Semmens asked Mr. Lepire what he believed the property would be valued at with the improvements made by Costco. Mr. Lepire stated that “I’m in it [for] \$740,000 – that’s my buildings, my pool, whatever else needs to be in there”. He also noted that the Assessor’s Office was allowed on his property, but only when he was present. Mr. Lepire confirmed for Vice Chairperson Bagwell that the Bureau of Land Management (BLM) had appraised “a property behind me for \$50,000”; however he noted that he did not currently have an appraisal for his property. He also explained to her that the income approach was not possible because of his wife’s poor health, who acted as his secretary. Mr. Dawley clarified that an income approach would require three years’ income and expenses, adding that the State of Nevada did not re-value when a sale takes place, but it is done every five years. Chairperson Block thanked Mr. Lepire for his support of the community; however, he believed it would be difficult for the Board to make a determination without adequate information. He also suggested that Mr. Lepire work with the Assessor’s Office further and provide additional information. Mr. Walker clarified for Vice Chairperson Bagwell that the BLM appraisal was greatly reduced and could not be a direct comparison because it was an unbuildable property with no access and no utilities. Vice Chairperson Bagwell received confirmation that the property was reclassified because Mr. Lepire’s property included a residence, for which property tax should have increased by three percent, and the balance of the property was commercial and would be taxed with the alternative cap, adding that they were working with Mr. Lepire on this particular error. Mr. Lepire noted that the buildings on the property were built 26 years ago. Mr. Coon explained that the addition of the main clubhouse, appearing on an aerial photograph, had not been on the original Assessor’s file, suggesting that he would like to measure accurately by being on the property. Mr. Lepire noted that permits were available for his apartment, the swimming pool, and a manager’s apartment. Mr. Coon believed that the weighted age of the property had “shifted by about two years”. Vice Chairperson Bagwell suggested that the Assessor’s Office work with Mr. Lepire and age the property correctly. Mr. Coon referred to the Assessor’s Evidence he had presented, citing Marshall and Swift regarding improvements done to mobile home parks, and cited additives that were not considered in the definition of a mobile home park. Mr. Walker suggested re-measuring Mr. Lepire’s property and noted that should there be an agreed-upon administrative adjustment, the item would not need to return to this Board. Mr. Lepire agreed to allow the Assessor’s Office on the property at 10:00 a.m. on Friday, February 22, 2013, he also disagreed with Marshall and Swift, noting that they were not reflective of the area as they were based in San Francisco. Chairperson Block entertained additional comments, and when none were forthcoming, a motion. **Vice Chairperson Bagwell moved regarding APN 009-302-15, known as 5400 South Carson Street, that “Friday at 10 a.m., the Assessor’s Office will meet with Mr. Lepire, to measure and determine if any clerical errors, including the age of the improvements have occurred. If it’s clerical, next Tuesday we will re-agendize this for any formal and final action on this one to preserve the record and his rights for future appeals.”** Discussion ensued regarding the time required to place the item on the following week’s agenda. It was agreed the agenda item was a continuance of today’s

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item. **The motion was seconded by Member Semmens. Motion carried 4-0.**

(10:48:23) – Chairperson Block suggested addressing item G prior to item F, since the appellant was present.

F. PETITION FOR REVIEW OF ASSESSED VALUATION OF ARTHUR W. AND ELIZABETH BUCKLEY, 1194 CANVASBACK DRIVE, APN 009-832-28. (10:51:24) – Chairperson Block introduced the item. Mr. Coon presented the property and explained that upon the completion of the property last year, he had made a clerical error and had not removed the developer’s discount off the land valuation. He requested that the land valuation be corrected for the 2013-2014 tax year. Chairperson Block received confirmation that the appellants were not present. **Member Schulz moved to accept the new proposed taxable assessed land value of \$7,000; improvements of \$64,179; for a total assessed value of \$71,179; for the property on 1194 Canvasback Drive, APN 009-832-28. The motion was seconded by Member Semmens. Motion carried 4-0.**

G. FOR POSSIBLE ACTION: PETITION FOR REVIEW OF ASSESSED VALUATION OF SILVER OAK DEVELOPMENT COMPANY, LTD. / SILVER OAK GOLF COURSE, 1251 COUNTRY CLUB DRIVE; APNs 007-552-01, 007-552-02, 007-552-08, 007-552-15, 007-552-16, 007-552-24, 007-552-28, 007-552-31, 007-551-02, 007-461-10. (10:48:24) – Chairperson Block introduced the item. Mr. Coon explained that the combined properties reflected the Silver Oak Golf Course and Clubhouse. He also explained that after several comparisons of golf course sales, and based on the income approach provided by the Silver Oak Development Company, LTD, the Assessor’s Office agreed with the appraisal valuation of the Golf Course at \$1,500,000 for land and improvement for the 2013-2014 tax year. He added that they had reached an agreement with the appellant. **Vice Chairperson Bagwell moved to approve the Stipulation Agreement between the appellant and the Assessor’s Office for a proposed taxable value of \$1,500,000 and proposed assessed value of \$525,000, regarding the property on 1251 Country Club Drive; APNs 007-552-01, 007-552-02, 007-552-08, 007-552-15, 007-552-16, 007-552-24, 007-552-28, 007-552-31, 007-551-02, 007-461-10. The motion was seconded by Member Schulz. Motion carried 4-0.**

H. FOR POSSIBLE ACTION: PETITION FOR REVIEW OF ASSESSED VALUATION OF AUTOZONE TEXAS, LP, 1681 EAST WILLIAM STREET, APN 008-152-20. – This agenda item was withdrawn by the appellant.

I. FOR POSSIBLE ACTION: PETITION FOR REVIEW OF ASSESSED VALUATION OF AUTOZONE, INC., 3460 SOUTH CARSON STREET, APN 009-111-31. (10:53:32) – Chairperson Block introduced the item. Mr. Dawley requested a short break while he reached the appellant via telephone conference. Chairperson Block reviewed the procedures with the appellant. Mr. Walker introduced the property and noted that the appeal “was cut and pasted, and inappropriately put together”. He also indicated that the agent authorization was “completely unacceptable”, adding that after contacting the appellant representative, he had received the appropriate appeal and agent authorization forms; however they did not contain original signatures. Mr. Walker noted that he had relayed to Wayne Tannenbaum, the appellant’s representative, that an original signature must be on file prior to the start of this hearing. Mr. Walker stated that Mr. Tannenbaum had stated that “it would be virtually impossible” to obtain original signatures; therefore, he requested that the Board deny hearing this case. Chairperson Block invited Mr. Tannenbaum to present the Appellant Evidence. Mr. Tannenbaum stated that they had sent the needed documents, adding that no other county in Nevada had had “a problem with not having an original signature, except for this one”. Mr. Munn cited NAC 361.7018, a State Board of Equalization requirement, which was being followed by this Board. He also clarified that each Board could adopt its own rules; however, this Board had followed the State rules instead of creating its own. Chairperson Block expressed concern about setting a precedent. Vice Chairperson Bagwell received confirmation that the initial forms also did not contain original signatures either. **Vice Chairperson Bagwell moved that regarding the property on 3460 South Carson Street, APN 009-111-31, “the Board not accept this appeal as it was not on the forms appropriately**

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witnessed by an original signature, and therefore we are not going to hear the appeal". The motion was seconded by Member Semmens. Motion carried 4-0. Chairperson Block thanked Mr. Tannenbaum and Mr. Dawley explained to Mr. Tannenbaum how he could appeal this decision to the State Board of Equalization.

J. FOR POSSIBLE ACTION: NEXT MEETING DATE -TUESDAY, FEBRUARY 26, 2013. (11:04:51) – Chairperson Block introduced the item and received confirmation that the Board’s final meeting would take place on February 26, 2013, at 10:00 a.m.

K. PUBLIC COMMENTS (11:05:30) – Chairperson Block entertained public comments; however, none were forthcoming.

L. ACTION ON ADJOURNMENT (11:05:43) – Member Semmens moved to adjourn. The motion was seconded by Member Schulz. The meeting was adjourned at 11:05 a.m.

The Minutes of the February 19, 2013 Carson City Board of Equalization meeting are so approved this 26th day of February, 2013.

JED BLOCK, Chair