

Incline Taxpayers Take Their Troubles To The Feds After Winning State Lawsuits, Villagers Want Action

According to property owners in Incline Village, a small high end community along the eastern shores of Lake Tahoe, Washoe County simply will not comply with Nevada courts and are now taking their property tax fight to federal court. On April 23, attorney Suellen Fulstone of Morris, Pickering, and Peterson of Reno filed a class action lawsuit against the County, its assessor and treasurer, based on how the county has been assessing property taxes for the region.

The fight has been continuing for several years with the taxpayers group winning round after round all the way to the Nevada Supreme Court and Washoe County, led by District Attorney Richard Gammick simply changing the rules and ignoring the court findings. At least that is how the taxpayers group sees the issue. The suit says, "homeowner taxpayers have no plain, speedy, efficient, or otherwise adequate remedy under state law from the unconstitutional valuation and assessment of their properties."

Properties at Incline Village and Crystal Bay are taxes of "views of the lake" for one thing, yet no other property in Washoe County carries such an assessment. There are no taxes on "views of the valley" for those in Caughlin Ranch, there are no "views of the Sierra" for any in the Truckee Meadows, yet views of the lake are taxable. Numbers and ages of trees are also taken into account, according to the taxpayers, among the methods used by the county. "The Washoe County Assessor failed to follow the valuation methodologies promulgated by the Nevada Tax Commission for uniform use throughout all 17 counties in Nevada," according to the federal lawsuit.

When the questionable taxation was begun, Robert McGowan was Washoe County Assessor, and his successor is Josh Wilson who is following the same procedures, supposedly at

the insistence of Gammick's interpretation of the supreme court rulings. The treasurer for the county remains Bill Berrum.

The lawsuit names just six plaintiffs, however the suit is a class action affair and will affect more than those six, possible every taxpayer in Washoe County. The county has been informed, by way of court action, that its procedures are not acceptable, yet at every new court order, the county simply files more appeals and refuses to roll over. According to Village League to Save Incline Assets President, Maryanne Ingemanson, discussing the federal suit, "This is as important as it can get."

There have been hearings before the State Board of Equalization in which refunds were ordered, there have been hearings before the State Supreme Court in which property owners were to have their property reassessed under state guidelines, even the Washoe County Board of Equalization has ordered reassessments under state guidelines, and as of the filing date of the federal suit, Washoe County has not complied.

At least one Supreme Court ruling demanded that tax assessments be rolled back to the 2002/2003 valuations in a six to one verdict. The amount of money that has been allocated and spend by Washoe County in continuing these appeals has reached monumental proportions, and no one seems willing to say why the appeals continue. No other properties in Washoe County are assessed the same as Incline Village and Crystal Bay properties, which is fundamentally against taxpayer commission rulings. Being a class action suit, the federal proceedings may also bring further property tax relief to others in the county.