

RESOLUTION: R20-074

A resolution finding that refunds of certain property tax payments are due, directing the Treasurer to make such refunds, directing that subsequent apportionments of revenues from property tax to the other tax units in the county which levied a tax represented in the combined tax rate be withheld, directing the Treasurer to keep a list of refunds and other matters properly related thereto.

WHEREAS, NRS 354.220 and NRS 354.240 provide that if a board of county commissioners determines by competent evidence that money has been paid into the treasury of the county and there is just cause for granting of a refund and it would be equitable to make a refund of such money, the board of county commissioners by its unanimous resolution is authorized to direct the County Treasurer to refund the amount of money paid into the county treasury in excess of the amount legally payable;

WHEREAS, the Honorable District Court Judge Kathleen Drakulich, in *Village League to Save Incline Village Assets vs. State Board of Equalization*, Case No. CV03-06922, on October 21, 2019 entered its Findings of Fact, Conclusions of Law, Decision and Order, finding that property tax equalization was required in the Incline Village/Crystal Bay area for the tax years 2003-2004, 2004-2005, and 2005-2006 based on the findings in *State ex rel. State Bd. of Equalization, et al v. Bakst et al*, 122 Nev. 1403, 148 P.3d 717 (2006), and *State ex rel. State Board of Equalization, et al v. Barta, et al*, 124 Nev. 616, 188 P.3d 1092 (2008), and ordered that the property values for all residential property owners in the Incline Village/Crystal Bay area for the tax years 2003-2004, 2004-2005, and 2005-2006 be reset at the 2002-2003 levels, applying a factor of .08 for the 2005-2006 tax year, and to refund to those taxpayers excess property taxes paid, along with interest at the legal rate, by those property taxpayers;

WHEREAS, the Board of County Commissioners subsequently, during its duly noticed meeting of August 4, 2020, approved a settlement agreement with the taxpayers in Incline Village/Crystal Bay to adjust the terms of processing the refunds ordered by the court to allow

for the first payments of refunds to begin in July 2021, and for such payments to be made over a two-year period, providing for the legal interest at the rate of six percent per annum, with a two year interest holiday, and other terms described therein;

WHEREAS, the district court subsequently approved the settlement agreement entered into by the Board of County Commissioners and the taxpayers in Incline Village/Crystal Bay by virtue of its Order entered on October 13, 2020;

WHEREAS, the Board of County Commissioners held a public discussion during its duly noticed meeting of December 15, 2020, during which it received evidence on the record concerning the need for the payment of property tax refunds;

WHEREAS, the Board of County Commissioners has previously been provided with copies of the court's October 21, 2019 Findings of Fact, Conclusions of Law, Decision and Order, and the settlement agreement modifying the processing of the refunds, and has been informed through advice of the District Attorney that the October 21, 2019 Findings of Fact, Conclusions of Law, Decision and Order, is binding:

NOW THEREFORE be it resolved by the Board of County Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 354.220 and NRS 354.240 and the above-referenced decision of the District Court, as modified by the settlement agreement, the Board of County Commissioners hereby finds that the certain referenced taxpayers are entitled to refunds.
2. The County Treasurer is hereby directed to make the refunds.
3. The necessary elected and appointed officials are authorized to withhold amounts refunded pursuant to this resolution from the subsequent apportionments of revenues from

property tax to the other taxing units in the County which levied a tax represented in the combined tax rate.

4. The Board of County Commissioners shall, separately from this resolution, decide whether to include court-ordered statutorily mandated interest in the amounts withheld from the subsequent apportionments of revenues from property tax to the other taxing entities in the County which levied a tax represented in the combined tax rate.

5. The County Treasurer is ordered to keep and make available to the Board of County Commissioners and the public a list of all refunds made by the County Treasurer during each month. The list must contain the name of each taxpayer or other person to whom a refund was made and the amount of the refund.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

ADOPTED the ____ day of _____, 2020,
By the following vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Chair

ATTEST:

County Clerk