The Board convened at 9:00 a.m. in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Chairman Covert called the meeting to order, the Clerk called the roll and the Board conducted the following business:

WITHDRAWN PETITION

The following petitions scheduled on today's agenda had been withdrawn by the Petitioners prior to the hearing:

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<tr>
<th>PARCEL</th>
<th>PETITIONER</th>
<th>HEARING NO</th>
</tr>
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<tbody>
<tr>
<td>140-010-32</td>
<td>DAMONTE FAMILY LLC</td>
<td>09-1235</td>
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<tr>
<td>140-212-01</td>
<td>DAMONTE RANCH COMMERCE CENTER</td>
<td>09-1234</td>
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RESIDENTIAL APPEALS

09-609E  PARCEL NO. 230-032-02 – PINGREE REVOCABLE TRUST, DURIAN D – HEARING NO. 09-1274

A Petition for Review of Assessed Valuation was received protesting the 2009/10 taxable valuation on land located on 2400 Diamond J Place, Washoe County, Nevada.

The following exhibits were submitted into evidence:

**Petitioner**
- Exhibit A, Taxpayer evidence packet, 90 pages.
- Exhibit B, Agent authorization form, 1 page.
- Exhibit C, Diamond J paired city views, 3 pages.
On behalf of the Assessor, Pat O’Hair, Appraiser III, duly sworn, oriented the Board as to the location of the subject property.

On behalf of the Petitioner, Jill Brandin and Suellen Fulstone, were sworn in by Chief Deputy Nancy Parent.

Ms. Brandin stated the Pingree parcel land value for 2009/10 had increased 88 percent from the previous year. She conducted a PowerPoint presentation that highlighted the valuation history, comparison of Pingree land with land next door, decline in land values, University of Nevada Pingree value, Diamond J taxable land value, revised Diamond J land value for 2009/10, view comparisons, 2009/10 Pingree land values using revised base lot analysis, 2009/10 land values for APN 230-031-07 using revised base lot analysis, 2009/10 Pingree land value using recent Diamond J Deed in lieu of foreclosure and 2009/10 Pingree land value summary.

Ms. Fulstone said full cash value was the issue and she thought was the legal cap that could be assigned to a property. Ms. Fulstone said in the Assessor’s Hearing Evidence Packet (HEP), the subject property was assigned a total taxable value of $1,545,290. In order to support the taxable value as being less than the market value of the property, comparable sales were offered. She reviewed the comparable sales and stated they were not comparable to the subject property. Ms. Fulstone remarked the taxable value placed on the subject property exceeded the market value and must be set aside.

In addressing the assessed value of the land for the subject property, Ms. Fulstone stated the information in the HEP was not an appraisal and noted an HEP was prepared after an appeal had been filed. She stated there was not any explanation of how the base lot value was determined. Ms. Fulstone reviewed the land sales and commented there was not one sale that sold in 2008 that would support the value. She acknowledged a listing was provided; however, per NRS 360.250, there was no provision in the regulations for the consideration of listings indicating that the Board could not consider a listing as evidence of market value.

Ms. Fulstone explained one-third of the value for the land portion on the subject property was attributed to the city view. She said the parcel was assigned a 50 percent view premium, which increased the initial land value. Ms. Fulstone remarked the view valuation was being supported by “paired sales” and listings. She reiterated that did not follow the Tax Commission’s valuation regulations because the regulations require
that the Assessor provide “current market evidence” to support the view valuation. She explained current market evidence was defined as sales data concerning sales of improved or unimproved parcels that occurred during the 36-month period immediately preceding July 1 of the year before the lien date. However, in this case, only one of the four paired sales offered fell within that 36-month period. Ms. Fulstone stated the remaining paired sales from Diamond J preceded July 2005 and could not be considered as supporting evidence to the view premium. She explained that no legal permissible evidence was offered on the value of the view for the subject property, concluding that the value for view must be rejected.

Ms. Fulstone summarized that the total taxable land value assigned to the subject property was in excess of the full cash value as determined by the market. She said the Assessor’s Office failed to value the land in accordance with the regulations and added that the land value could not be sustained. She remarked no evidence was offered for the 50 percent view premium that was attached to the parcel.

Chairman Covert stated during the Petitioner’s PowerPoint presentation the increase from the previous year was the main focus. He asked if the property for the previous year was at market value. Ms. Fulstone did not believe the parcel was at market value for the previous year. She explained the previous year was uncontested, but it was not a good value. She said a base lot analysis for Diamond J should be the average lot value assigned for 2008/09 and then make adjustments from there.

Josh Wilson, Assessor, said NRS 361.344 stated “that the preponderance of the evidence presented by the Petitioner to demonstrate that the valuation established by the Assessor exceeds full cash value or was inequitable.” He remarked not one sale provided by the Petitioner demonstrated that. Assessor Wilson said there was much discussion on how the land values were to be determined. He inquired how the Petitioner’s estimate of taxable value complied with the Tax Commission regulations and, if the view was a consideration when the parcel was purchased. Assessor Wilson found it hard to believe that the subject parcel was valued less today than it was in 2000, prior to any speculative bubble. He said the paired sales analysis was discussed as less than adequate because there needed to be only one attribute that was different. He explained that was a common appraisal challenge; therefore, a multiple regression analysis was used. However, that could be very complicated. Assessor Wilson said it was a quandary to try and simplify based on paired sales analysis versus a very statistically valued multiple regression analysis. He commented a reasonable full cash estimate for the land portion of these properties was trying to be completed. Assessor Wilson assured the Board that a reappraisal was completed this year on every property in the County. He said an issue was also being made about the code “CALC”, versus a previous code on the record which was “REAPP.”

Stacey Jackson, Office Support Specialist, was sworn in by Chief Deputy Clerk Nancy Parent. Ms. Jackson explained CALC was used as a default code because, until the 2009/10 reappraisal, every area was not being calculated in the County. She explained previously one area would be calculated so reappraisal or “REAPP” could not
be used as the default Code when the entire County was calculated for the newspaper roll. Ms. Jackson said when the entire County was recalculated this was a line item in the coding that was not updated to reflect reappraisal for the entire County. She indicated the description for “CALC” was recalculated as part of annual recalculation.

Assessor Wilson indicated the Petitioner brought forth shortcomings in the view analysis. He remarked the Board would determine whether or not to consider the view.

Appraiser O’Hair explained originally the reappraisal on the subject parcel and the next door parcel both had a 150 percent view premium. He said, due to the lack of paired sales within Diamond J within three years, he rebuilt the sales from the previous five years to see if that 150 percent view premium had been justified and confirmed that it had. Appraiser O’Hair distributed paired city views for the Board and stated he tried to be conservative.

Ms. Fulstone objected to the submission of additional Assessor evidence and indicated since the Petitioner did not receive the exhibit in advance it should not be accepted. Chairman Covert stated this was not a court of law. He said the Board would accept any evidence at any time with a copy being distributed to the other side. Ms. Fulstone understood; however, she wanted her objection on the record because there were procedures to be followed and the taxpayer was entitled to the information prior to the hearing. She felt it was a violation of the requirement stating that the Assessor should provide materials in advance if such material would be used during the hearing.

Assessor Wilson indicated this was the first time he had seen the Petitioner’s evidence packet. He commented the appraiser was attempting to give the Board all the information needed to render a decision and noted this was the evidentiary hearing. He explained the State Board of Equalization had very strict rules regarding admitting new evidence.

Appraiser O’Hair stated much of the value for the subject parcel dealt with the view. He said he went to the property and took photos so the Board could see the views were similar for the neighboring parcels. He noted these were supplied to the Petitioner on February 10, 2009. He reviewed the information on the paired city views and discussed the comparable sales. He remarked the listing for the land sale was submitted only for informational consideration. Appraiser O’Hair stated during the reappraisal of the area the 150 percent view premium was removed and replaced with a 50 percent view premium. Appraiser O’Hair concluded that the taxable value did not exceed full cash value. He noted there would be a Roll Change Request (RCR) to reduce all of the parcels in the Diamond J neighborhood to a base lot value of $350,000.

Chairman Covert said the Board had previously determined that if there was a sliver of a view or a panoramic view they all would receive a 35 percent adjustment and asked what was different with this parcel. Appraiser O’Hair stated he
disagreed with that previous assessment, and added there were different view premiums within the County.

Gail Vice, Senior Appraiser, explained different neighborhoods were reviewed. She said for a previous hearing it was determined that the market did not recognize a large difference between a partial view versus a full view.

Chairman Covert clarified then all City views were not the same. Appraiser O’Hair stated that was correct.

Member Krolick asked if all the parcels in a subdivision had a view what would the view premium be for those parcels. Appraiser O’Hair replied a neighborhood with the same view would not have a view premium placed on them. Member Krolick asked if 70 percent of a subdivision had a view, but the remaining 30 percent did not, what would be the view premium. Appraiser O’Hair remarked in the past parcels without that view would receive a minus view adjustment. Member Krolick stated a base value was established that statistically did not make sense. He said if a majority of properties had a view would that not be the base value. Appraiser O’Hair explained in Diamond J a majority of the properties did not have a City view; however, had a mountain view which no credence was given.

Assessor Wilson said only six parcels from this subdivision were receiving a view premium and those were the parcels located at the top of the hill surrounding the subject property.

Member Krolick commented the Petitioner testified that a majority of the properties had a view. He stated the view was weighted heavily versus the value of the location and the attributes of the location. Appraiser O’Hair commented the latest sale in the Diamond J subdivision was land sale number one that had a mountain view and sold for $547,000 in April of 2007. He said after January 1st there was a listing for $449,000.

Member Green asked if any of the lots in the subdivision had more than one home or was horse property. Appraiser O’Hair replied not that he was aware of and did not think livestock was allowed in the Conditions, Covenants, and Restrictions (CC&R’s) of the subdivision. Member Green said some of the parcels were larger than the subject property. Appraiser O’Hair indicated size adjustments were not placed on those. Member Green asked if there were any areas in the City of Reno that had more than a 70 percent view premium. Appraiser O’Hair replied there were some areas with a 75 percent view premium. He reiterated this area had not been reappraised for five years. Member Green stated based on the present market he could understand why the Petitioner was concerned with the increase to the land value.

Member Brown inquired on the vantage point from the photos supplied by the appraiser. Appraiser O’Hair replied those photos were taken from the parcel to the west of the subject property. He explained the view rating needed to be taken from the ground level of the parcel and also indicated it was an unobstructed view.
Assessor Wilson stated it would be remiss on his part to use a sale that represented a value above market value to estimate the current value and not consider the listings that could be below the sales.

In rebuttal, Ms. Fulstone did not disagree that listings were prima facie evidence of something; however, this Board and the Assessor’s Office had to work within what the law allowed. She indicated that was made clear by the Legislature and the Nevada Supreme Court that listings could not be considered when establishing the value of a property. Ms. Fulstone stated in the regulations for the valuation of property, listings had been excluded from the Tax Commission. She explained she had objected to additional evidence being presented on view because the statute said that the taxpayer was entitled to have the basis on which the determination on value to the taxpayer’s property was made. Ms. Fulstone indicated the Petitioner was here to contradict the evidence presented by the Assessor’s Office. She said there had not been any evidence of sales because there was no evidence of sales. Ms. Fulstone remarked the Nevada Supreme Court stated, as a matter of law, a value was inequitable if it was not calculated or reached in accordance with the regulations established by the Tax Commission. She said that occurred with the subject property and the value assigned to the subject property was inequitable. Ms. Fulstone stated the Board’s decision needed to be based on the regulations and market evidence, which was not in this record.

Ms. Brandin addressed the listing. She said a listing was noted for a far superior parcel to the subject property. She identified the referenced parcel on the map included in the HEP. She said the average base lot value in the Diamond J subdivision had increased this year by approximately 60 percent, which had no bearing to what was occurring County-wide.

Chairman Covert explained the powers of the Board were governed by NRS 361.345, and stated “according to NRS 361.345 the County Board of Equalization (CBOE) may determine the valuation of any property assessed by the County Assessor and may change and correct any valuation found to be incorrect either by adding thereto or deducting therefrom such sum as necessary to make it conform to the taxable value of the property assessed whether that valuation was fixed by the owner or the County Assessor. The CBOE may not reduce assessments of the County Assessor unless it was established by a preponderance of the evidence that the valuation established by the County Assessor exceeds the full cash value of the property or is inequitable.” He said the Board could not set the value above or below market value. Chairman Covert said if the value of the property did not exceed full cash value then the Board was bound by that.

Ms. Fulstone disagreed. She said the Board was charged to review and determine taxable value, not full cash value. She said NRS 360.250 stated “that the Nevada Tax Commission should adopt general and uniform regulations governing the assessment of property by the County Assessor’s of the various counties, County Boards of Equalization, the State Board of Equalization and the Department. Regulations must include standards for the appraisal and reappraisal of land to determine its taxable value.”
She also noted in NRS 361.345 was “or inequitable,” which was the focus and that the Nevada Supreme Court set aside values that were irrespective of the full cash value of the property, not its taxable value. Chairman Covert agreed.

Member Krolick indicated there was sufficient evidence to support the fact that the sales were dated, the listings were not comparable and he would support a downward adjustment.

With regard to Parcel No. 230-032-02, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Krolick, which motion duly carried, it was ordered that the taxable land value be reduced to $450,000 and the taxable improvement value be upheld, resulting in a total taxable value of $1,357,790 for tax year 2009-10. The reduction was based on the value being inequitable. With this adjustment, it was found that the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

11:12 a.m. The Board recessed.

11:20 a.m. The Board returned.

09-610E PARCEL NO. 125-010-20 – MACHATA, ANDREW R – HEARING NO. 09-0994R08

A Petition for Review of Assessed Valuation was received protesting the 2008/09 taxable valuation on land and improvements located on 789 Geraldine Dr., Washoe County, Nevada.

The following exhibits were submitted into evidence:

**Petitioner**

Exhibit A, Letter in support of appeal, 1 page.
Exhibit B, Authorization of representation, 1 page.

**Assessor**

Exhibit I, Assessor’s Hearing Evidence Packet, including comparable sales, maps and subjects appraisal records, 4 pages.

On behalf of the Assessor, Patricia Regan, Appraiser III, duly sworn, oriented the Board as to the location of the subject property. She stated there was no legal access to the property and recommended that the token value that existed in 2007 be reinstated until the site became available.

On behalf of the Petitioner, Paul Kaletta, was sworn in by Chief Deputy Nancy Parent. He indicated he was in agreement with the recommendation.
With regard to Parcel No. 125-010-20, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Green, seconded by Member Brown, which motion duly carried, it was ordered that the taxable land value be reduced to $19,000, resulting in a total taxable value of $19,000 for tax year 2008-09. The reduction was based on there is no legal access to the property. With this adjustment, it was found that the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

**09-611E PARCEL NO. 125-171-22 – CHRISTIANSEN LIVING TRUST, MARTHA L – HEARING NO. 09-0939**

A Petition for Review of Assessed Valuation was received protesting the 2009/10 taxable valuation on land and improvements located on 209 Nadine Ct., Washoe County, Nevada.

On behalf of the Assessor, Rigo Lopez, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property.

On behalf of the Petitioner, Martha Christiansen and Robert Ferwerda were sworn in by Chief Deputy Nancy Parent. Mr. Ferwerda commented, as the representative for the applicant, he objected to the Assessor’s Hearing Evidence packet being submitted. Mr. Ferwerda stated he did not have an opportunity to evaluate what was submitted. He requested a continuance of the hearing to evaluate the information put forward.

Josh Wilson, Assessor, suggested the hearing be continued in an effort to accommodate the Petitioner.

Herb Kaplan, Legal Counsel, explained the Board previously decided to agendize a hearing that was improperly noticed and would need to convene in the following week.

Chairman Covert called a recess for Board members to examine their calendars in an effort to agendize a meeting for the following week.

**11:35 a.m.** The Board recessed.

**11:40 a.m.** The Board reconvened.

After discussion, it was determined that the Board would meet on March 6, 2009 at 1:00 p.m. Mr. Ferwerda indicated there were two hearings scheduled that he would be presenting evidence on, Hearing Nos. 09-0939 and 09-0940, and he requested both be continued.
On motion by Member Woodland, seconded by Member Krolick, which motion duly carried, it was ordered that Hearing No. 09-0939 and Hearing No. 09-0940 for APN 126-084-10, Robert Ferwerda, be continued to March 6, 2009.

REQUEST FOR REOPEN OF HEARING

09-612  PARCEL NO. 084-120-28 – ROCK WEST LLC – HEARING NO. 09-1153

Mike Bozman, Appraiser III, explained this hearing was originally heard on February 19, 2009, at which time the Board rendered a decision. The Petitioner contacted the Assessor’s Office and stated he had been ill on February 19th and asked if the hearing could be re-opened. Subsequently, a withdrawal notice had been received from Rock West LLC on the appeal that had been heard and ruled on.

After discussion, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was determined that Hearing No. 09-1153 would not be re-opened and the decision rendered on February 19th would be upheld.

09-613  PARCEL NO. 122-181-59 – SCARPA, STEVEN – HEARING NO. 09-1203

A Petition for Review of Assessed Valuation was received protesting the 2009/10 taxable valuation on land located on 827 Lakeshore Blvd., Washoe County, Nevada.

The following exhibits were submitted into evidence:

Assessor

Exhibit I, Assessor’s Hearing Evidence Packet, including comparable sales, maps and subjects appraisal records, 8 pages.

On behalf of the Assessor, Patricia Regan, Appraiser III, duly sworn, oriented the Board as to the location of the subject property. Appraiser Regan discussed the comparable sales and concluded that the taxable value did not exceed full cash value based on the comparable sales. She recommended the value be upheld.

The Petitioner was not present.

With regard to Parcel No. 122-181-59, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Woodland, which motion duly carried, it was ordered that the Assessor's taxable values be upheld for tax year 2009-10. It was found that the Petitioner failed to meet his/her burden to show the land and improvements are valued incorrectly or that the total taxable value exceeded full cash value.
PARCEL NO. 123-161-12 – JESTER TRUST – HEARING NO. 09-0350

A Petition for Review of Assessed Valuation was received protesting the 2009/10 taxable valuation on land located on 275 Northlake Circle, Washoe County, Nevada.

The following exhibits were submitted into evidence:

**Petitioner**
Exhibit A, Letter and supporting documentation, 7 pages.

**Assessor**
Exhibit I, Assessor’s Hearing Evidence Packet, including comparable sales, maps and subjects appraisal records, 7 pages.

On behalf of the Assessor, Patricia Regan, Appraiser III, duly sworn, oriented the Board as to the location of the subject property. Appraiser Regan discussed the comparable sales and concluded that the taxable value did not exceed full cash value based on the comparable sales. She recommended the value be upheld.

With regard to Parcel No. 123-161-12, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that the Assessor's taxable values be upheld for tax year 2009-10. It was found that the Petitioner failed to meet his/her burden to show the land and improvements are valued incorrectly or that the total taxable value exceeded full cash value.

PARCEL NO. 126-251-20 – KINGSTON, MOLLY – HEARING NO. 09-1086

A Petition for Review of Assessed Valuation was received protesting the 2009/10 taxable valuation on land and improvements located on 663 Cristina Dr., Washoe County, Nevada.

The following exhibits were submitted into evidence:

**Petitioner**
Exhibit A, Valuation analysis, 1 page.

**Assessor**
Exhibit I, Assessor’s Hearing Evidence Packet, including comparable sales, maps and subjects appraisal records, 9 pages.
On behalf of the Assessor, Patricia Regan, Appraiser III, duly sworn, oriented the Board as to the location of the subject property. She discussed the comparable sales and concluded that the taxable value did not exceed full cash value based on the comparable sales.

With regard to Parcel No. 126-251-20, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Woodland, which motion duly carried, it was ordered that the Assessor's taxable values be upheld for tax year 2009-10. It was found that the Petitioner failed to meet his/her burden to show the land and improvements are valued incorrectly or that the total taxable value exceeded full cash value. She recommended the value be upheld.

**09-616  ROLL CHANGE REQUEST**

On behalf of the Assessor, Gail Vice, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject property.

Following review and discussion, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that a Roll Change Request presented by the Washoe County Assessor to decrease the value for Personal Property Identifier Number 2119876 be approved. For the 2008/09 tax year the taxpayer’s accountant submitted declarations for two accounts. Account 2119876 was a duplicate assessment of property already reported and assessed for the 2008/09 tax year. Therefore, the above referenced account was reduced from $10,934 to $0.00. This will correct the double assessment of the personal property owned by Johnstone Multimedia.

**09-617  ROLL CHANGE REQUEST**

On behalf of the Assessor, Pat O’Hair, Appraiser III, duly sworn, oriented the Board as to the location of the subject properties.

Following review and discussion, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that the following Roll Change Request presented by the Washoe County Assessor to decrease the value of homes in the OCHG Neighborhood in the Diamond J development be approved. Due to the inactivity and lack of recent land and improved sales in this development, a recent fee appraisal indicating a lower market value for the base lot in this neighborhood, and a new listing data showing a substantial decline from the previous sale in 2005, the land base lot value of this development should be reduced from $425,000 to $350,000. This will prevent taxable values from exceeding full cash value as of January 1, 2009.

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<td>FARAHI, BAHRAM AND PARINAZ</td>
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On behalf of the Assessor, Gail Vice, Senior Appraiser, duly sworn, oriented the Board as to the location of the subject properties. She indicated these RCR’s were heard and approved on February 25, 2009 and included with mass RCR’s. Appraiser Vice explained they had a change in ownership or trust.

Following review and discussion, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that the name change for the RCR’s be approved:

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<td>HIESTER LIVING TRUST, ALAN R AND PATRICIA H</td>
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<td>COUNTRYWIDE BANK FSB</td>
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Chief Deputy Clerk Nancy Parent explained the Board’s past practice regarding approval of the minutes had been to have the Clerk’s Office send draft copies of the completed minutes to all Board members and to send original signature pages to the Chairperson. She stated the Board Members were generally given a specified period of time in which to review the minutes and contact the Chair with any changes or corrections. If no changes were to be made, the Chair would then indicate approval of the
minutes by signing the original pages and returning them to the Clerk's Office. Chairman Covert indicated a two-week timeframe would be sufficient.

Following discussion, it was decided to investigate whether the minutes could be placed on a CD-Rom disc and distributed to the Board. Ms. Parent said if the disc was possible then the Clerk's Office would proceed.

BOARD MEMBER COMMENTS

The Board members thanked the Assessor’s Office, the District Attorney’s Office and the Clerk’s Office for their professionalism and due diligence.

PUBLIC COMMENTS

Josh Wilson, Assessor, thanked the Board for their support and professionalism. He thanked the District’s Attorney’s Office for the stellar representation of the Board and the Clerks’ Office for the time and effort put into the hearings.

* * * * * * * * * *

12:19 p.m. There being no further hearings or business to come before the Board, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that the Board adjourn.

JAMES COVERT, Chairman
Washoe County Board of Equalization

ATTEST:

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

Minutes prepared by:
Stacy Gonzales, Deputy Clerk