

**BOARD OF EQUALIZATION PROTEST REVIEW COMMITTEE
MEETING AGENDA
THURSDAY, SEPTEMBER 29, 2016
10:00 A.M.
COUNTY-CITY BUILDING - ROOM 113 THE BILL LUXFORD STUDIO
555 S. 10TH STREET
LINCOLN, NE 68508**

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the back of the room.

AGENDA ITEM

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COMMITTEE ORGANIZATION

- a) Clarify Purpose**
- b) Meeting Times**
- c) Information to be Reviewed**
- d) Testimony**
- e) Other**

MINUTES
Board of Equalization Protest REVIEW COMMITTEE MEETING
SEPTEMBER 29, 2016 12:00 NOON
COUNTY – CITY BUILDING, ROOM 214

Present: Kerry Eagan, Chief Administrative Officer; Ryan Mick Swaroff, Deputy County Attorney; Dan Nolte, Lancaster County Clerk; Cori Beattie, Chief Deputy Lancaster County Clerk; and Rob Ogden, Assessor Register of Deeds

Other Attendees: Scott Gains, Assessor Register of Deeds; Norm Agena, Assessor Register of Deeds

Eagan called the meeting to order at 10:00 a.m.

1. Committee Organization: Clarify Purpose; Meeting Times; Information to be Reviewed; Testimony; and Other

Eagan gave a brief opening statement welcoming committee members, and asking for input on the following topics: purpose of the committee, what information the committee would like to review to accomplish that purpose, testimony, and establishing future meeting times.

Nolte indicated questions emerged in March of 2016 about why the Board of Equalization (BOE) referee services for the protest process are not being put out for bids. He expressed concerns on how you would compare bids, whether cost is the only factor, and what we hope to gain from the bid process. He added it is difficult to do a meaningful comparison of hourly rates.

Swaroff stated that the cost incurred after protests must be considered.

Nolte stated that improving the protest process is more important than the cost of the process.

Ogden raised a question about whether the County would need to strictly adhere to the legal requirements of the request for proposals (RFP) process, or whether there is some discretion in how bids are received. Eagan responded that professional services are exempt from bidding requirements under the County Purchasing Act, so the County would have flexibility in how it conducts the search and selection process.

After further discussion committee members agreed that the purpose of the committee is to formulate a recommendation to the County Board as to whether an RFP should be issued for professional services to administer the referee system used in the annual real property valuation protest process.

Eagan asked what information the Committee would like to review to help formulate a recommendation. Nolte stated the cost of the protest process varies from year to year. Ogden indicated he would like to see what other counties are paying and what process they are using to handle protests. Beattie agreed to get the contracts for Sarpy and Douglas Counties.

Committee members indicated the history of the County's protest process using Great Plains should be reviewed. The information should include Great Plain's invoices, and how forms and policies have changed over the years.

Eagan asked the Committee if anyone should be asked to provide testimony to the Committee. Specific individuals identified included Mike Thew and Peter Katt. Beattie stated Thew was more involved with TERC than with the protest process. Ogden responded that what happens at the protest level directly impacted what Thew did at TERC. Ogden added that if referees are making off the wall decisions the Assessor/Register of Deeds will appeal to TERC, which disqualifies the County Attorney from representing either the Assessor or the BOE.

Ogden commented that after the Assessor establishes its final values on March 25th it needs to stay out the BOE process. The Assessor may be drawn back in at the TERC level. Occasionally the Assessor will forward newly acquired information for consideration by the referees.

Nolte reiterated that he believes the system needs to be improved. He is concerned about outcomes, and individuals not getting a fair shake. Swaroff responded that we need to review specific cases in order to identify specific problems to be addressed. Beattie responded that the Clerk's Office can start tracking complaints for that purpose.

One concern is that protestors are not being told the reasons their protest was denied. They don't understand why their data was insufficient, especially when they have presented a lot of information. Nolte expressed concerns that the information is being ignored, and protestors are starting to feel what good does it do to protest. Nolte is not willing to accept that these concerns are invalid. He added that people feel the system is rigged, and the public does not have faith in the process. Swaroff repeated that specific cases need to be identified and reviewed.

A brief discussion then took place about how to enhance the process, and at what cost. Ogden suggested having the referees explain to protestors how the system works, that protestors have the burden of proof to show their value is incorrect, and why evidence presented is insufficient. Beattie cautioned that any improvements made would come with additional cost, and that the BOE has been reluctant in the past to make changes that increase costs.

Ogden explained how the Assessor handles informal protests. He noted they have more time to spend at the hearings, and additional time can be taken to explain the process and answer questions. Pursuant to a questions from Beattie, Ogden indicated the Assessor handled 120 informal hearings this year, but has seen the total as high as 10,000 during revaluation years.

As a final matter, the next meeting of the Committee was set for Wednesday, October 12, 2016 at 10am, room to be determined.