

From: [Teresa Bowen](#)
To: ["Bob Spitzfaden"](#)
Cc: [Robert Palmer](#)
Subject: Commercial taxpayer appeals- updated information
Date: Thursday, September 30, 2021 12:02:01 PM
Attachments: [2021-09-30 Response to emailed questions.pdf](#)
[AY2021- Com Sales List 20210929a.pdf](#)
[list of taxpayers appealing to boe.pdf](#)
[Agenda 2021_9_1 Meeting\(1582\).pdf](#)

Good afternoon, Mr. Spitzfaden.

There are four attachments to this email. The first is a compilation of your recent emailed questions with our response included. The second is an updated sales disclosure list showing all sales prices except those received after the effective date of CBJ 15.05.105. The third is the list that you provided of your clients with notes on who have received final determination letters, which are not current appeals, and those whose appeals have concluded. The final attachment is from the 9/9/2021 Assembly Finance Meeting, which was made publicly available as part of the meeting and is well known to your clients. I'm sure you already have it, but I am providing it just in case.

Since receiving your first correspondence on July 28th, the City has consistently responded to your requests for additional information, listened to your arguments and responded favorably when we found merit to your requests, provided your clients information at public meetings, and have sent you additional information as it became available, even if not requested- such as BOE packets. The CBJ Assessor has consistently corresponded with taxpayers during this time as well.

To date, we have not received any information that demonstrates the CBJ employed a fundamentally wrong method of valuation. You do not appear to actually argue that the methodology is fundamentally wrong, as your arguments have been focused on attacking the ratio study rather than proposing a different methodology. You have produced no evidence that the CBJ Assessor was wrong or committed fraud in finding that the full and true value of commercial properties has increased over the past decade.

As you are very well aware, Alaska affords very broad discretion to the Assessor in setting the methodology in determining full and true value. As Alaska has not mandated sales disclosures- and the CBJ has only required it for less than a year- the State assessing standards provide that annual modeling move values in accordance with economic trends in the local real estate market even in absence of qualified sale disclosures. The proposition that the commercial property market in Juneau has stagnated over the past decade and not increased in value is not supported by evidence. The CBJ Assessor has considered all information provided by taxpayers, as well as all relevant evidence concerning market trends, and fully explained the increase at BOE trainings and during contested BOE appeals. The methodology is sound and in line with 50 years of Alaska case law: Fairbanks Gold Mining, Inc. v. Fairbanks North Star Borough Assessor, 488 P.3d 959 (Alaska 2021) Kelley v. Municipality of Anchorage, 442 P.3d 725 (Alaska 2019) Brandner v. Municipality of Anchorage, 327 P.3d 200 (Alaska 2014) Horan v. Kenai Peninsula Borough, 247 P.3d 990 (Alaska 2011) Fairbanks North Star Borough Assessor v. Golden Heart Utilities, Inc., 13 P.3d 263 (Alaska 2000) North Star Alaska Housing Corporation v. Fairbanks North Star Borough, 778 P.2d 1140 (Alaska 1989) Hoblit v. Greater Anchorage Borough, 473 P.2d 630 (Alaska 1970) Twentieth Century Investment Co. v. City of Juneau, 359 P.2d 783 (Alaska 1961)

We have continuously explained and defended this methodology and have not yet received evidence or expert opinion to the contrary. We have defended our methods twice at contested BOE

hearings with commercial taxpayers.

Moving to the BOE, it is extremely concerning to the CBJ is that the list of clients you have produced include taxpayers who have not filed an appeal, had late filed appeals already denied, or have apparently signed on after having their appeal denied on the merits. In your taxpayer list, we have highlighted the taxpayers who have not filed an appeal (Doug Trucano and Russ Kegler. Doug Trucano only had one late-filed appeal, which was denied by the BOE in July). Richard Harris already went through a merits appeal at the BOE and had his appeal denied. Some have taxpayers have settled on the value on some of their parcels, and not on others.

While the idea of a consolidated hearing on methodology was attractive based on the theoretical possibility that it can streamline future appeals, it is clear that it's being considered as a way to allow taxpayers to avoid the requirements under code. It is also clear that most taxpayers have individual appeals that will still attack the methodology, negating any benefit of the consolidated hearing. We also have taxpayers who are not represented by you and do not intend to be bound by any decision on the consolidated appeal, which will cause confusion at the BOE.

Therefore, after discussion with City management on process, the City will strictly follow the BOE process outlined in CBJ 15.05. For each taxpayer that has a final determination letter, we will schedule them for the BOE as required by code. They will be allowed to present argument on the methodology at their hearing. If they do not appear at their hearing, the BOE will be allowed to decide their appeal on the merits as provided under CBJ 15.05.180.

These are the same rights afforded to every taxpayer in the CBJ. We are holding to the uniform process that provides your clients their right to due process required by law and code, and will ensure every taxpayer is treated equally and fairly.

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