



MEMORANDUM

Date: February 26, 2018

To: Andrew Flagg
Chief Civil Deputy County Attorney

From: C.H. Huckelberry
County Administrator 

Re: **Assessor's February 20, 2018 Statements to the Board of Supervisors Regarding Consent Agenda Item 1**

During oral discussion, in response to a question from Supervisor Christy, the Assessor indicated he was doing everything possible to reduce the legal expenses of the defendants he brought suit against in the Arizona Tax Court. On December 8, 2017, I copied your office on a memorandum (Attachment 1) to the Assessor and requested that he give consideration for individuals being sued by the Assessor regarding the cost of legal proceedings, including discovery, be postponed or minimized. Such an option was designed to provide the Assessor what he has requested while allowing the individual private defendants to postpone costly legal representation.

Mr. Staples provided the attached email response on December 26, 2017 (Attachment 2). His answer did not address my concerns regarding unnecessary private property owner costs.

It appears this option may not have been afforded those defendants, contrary to the Assessor's oral representation to the Board of Supervisors on February 20, 2018 (Attachment 3.) Mr. Staples states, "we've also bent over backwards if they would be forthcoming with the information that we are looking for, all they need to do is file an appearance, so that we're severely limiting their legal exposure."

Has the Assessor allowed any defendant to proceed as he orally indicated to the Board to minimize their legal costs associated with Assessor initiated litigation?

I would appreciate a written response from either your office or the Assessor regarding whether the Assessor has made this option available to any of the defendants in the present litigation. Has the Assessor allowed this option to some defendants and not others? If denied, how does he decide who should be denied this option?

I realize you may not be able to answer the requests in this memorandum since your office represents the Assessor. If you are unable to respond, please let me know, as there are other authorities the Board can pursue to obtain the requested information.

Attachments

c: The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Bill Staples, Pima County Assessor

ATTACHMENT 1



MEMORANDUM

Date: December 8, 2017

To: The Honorable Bill Staples
Pima County Assessor

From: C.H. Huckelberry
County Administrator 

Re: **Property Valuation Appeals and Resulting Lawsuits by your Office**

I noticed that you have filed, through the County Attorney, a number of lawsuits in Arizona Tax Court against County taxpayers related to the valuation of their properties for tax purposes.

As you know, several of those property owners have contacted my office to complain about your tactics of not defending your position at the State Board of Equalization (SBE), then filing a lawsuit in Arizona Tax Court to appeal the decision of the SBE, and then refusing to accept the original valuation you placed on the particular property, only to state that the value will be established by a new appraisal. While I may not agree with the tactics involved, it is obviously your decision as Assessor.

I do however have some concern since it has now been reported, perhaps incorrectly, that taxpayers who request a simple extension of any tax case in order to allow you to present them with your new appraisal, must now hire an attorney and file a response to your lawsuit. It would appear to be reasonable to allow such an extension so they may then make an honest and complete assessment as to whether or not they would accept your new appraisal value. Such a request has either been rejected, or ignored, requiring the taxpayer to hire an attorney at considerable expense to simply answer your lawsuit. This tactic seems unfair to taxpayers who have already received a favorable ruling from the SBE. Pima County has a team of attorneys on staff to represent your office, yet taxpayers, who are not in the business of tax litigation, must find and hire private attorneys just to wait for your new appraisal.

This seems to be an unnecessary private expense that could be avoided if you were to simply instruct the County Attorney to accept any request for an open extension of the case until you have received your new appraisal. Upon receipt, you may then provide the new appraisal to the taxpayer so they can make a decision as to whether or not they should proceed in court and incur the expense of discovery through the trial process.

The Honorable Bill Staples

Re: **Property Valuation Appeals and Resulting Lawsuits by your Office**

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I would request you offer this courtesy to those taxpayers you have filed litigation against, allowing them the ability to avoid the expense of hiring legal counsel until they have had an opportunity to review your new appraisal and make a decision as to the cost effectiveness of pursuing litigation, or simply accepting your new appraised value.

As I believe there are a number of cases now pending in this matter, I would appreciate your expeditious written response to this request.

CHH/lab

c: The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Barbara LaWall, Pima County Attorney
Andrew Flagg, Chief Civil Deputy County Attorney

ATTACHMENT 2

Lois Burlingham

From: Bill Staples
Sent: Tuesday, December 26, 2017 12:27 PM
To: Chuck Huckelberry
Cc: Barbara LaWall; Andrew Flagg; Monica Perez; Isabel Burruel-Smutzer; Lenora Anderson; Susan Shettleroe; Alexandra A. Dickey; Ally Miller; Andres Cano; Anissa Ramirez; Benny Gomez; Beth Borozan; Caitlin Jensen; Jennifer Cabrera; Jennifer Eckstrom; JoAnn di Filippo; Keith Bagwell; Lucretia Free; Lynne St. Angelo; Maria Klucarova; Marjava Ramirez; Ramon Valadez; Richard Elias; Sandy Russell; Sergio Arellano; Sharon Bronson; Sofia Blue; Steve Christy; Susanne Kelly; Therese Rubink
Subject: RE: Property Valuation Appeals
Attachments: vw42s132baf.pdf

Good afternoon,

Thank you for your memorandum dated 12/8/17. Without responding to specific issues related to ongoing litigation, I offer a few observations applicable to all 2018 Tax Court cases filed by this office.

This office is attempting to minimize the legal expenses of the property owners. It is true we require a response to our complaint, requiring the defendant to retain an attorney. This requirement allows for the production of documents necessary for the completion of our appraisal report. Once the appraisal report is completed, it will be made available to the property owner. This office will settle the case at the appraised value.

The complaint can be answered or the attorney can simply file an appearance. Once the documents are received, additional legal expenses can be avoided until the appraisal report is delivered to the property owner. Any reasonable continuance is granted.

I hope this addresses a few concerns.

Sincerely,
Bill Staples

IFrom: Lois Burlingham
Sent: Friday, December 08, 2017 11:26 AM
To: Bill Staples <Bill.Staples@pima.gov>
Cc: Barbara LaWall <Barbara.LaWall@pcao.pima.gov>; Andrew Flagg <Andrew.Flagg@pcao.pima.gov>; Monica Perez <Monica.Perez@pima.gov>; Isabel Burruel-Smutzer <Isabel.Burruel-Smutzer@pcao.pima.gov>; Lenora Anderson <Lenora.Anderson@pcao.pima.gov>; Susan Shettleroe <Susan.Shettleroe@pima.gov>; Alexandra A. Dickey <Alexandra.Dickey@pima.gov>; Ally Miller <Ally.Miller@pima.gov>; Andres Cano <Andres.Cano@pima.gov>; Anissa Ramirez <Anissa.Ramirez@pima.gov>; Benny Gomez <Benny.Gomez@pima.gov>; Beth Borozan <Beth.Borozan@pima.gov>; Caitlin Jensen <Caitlin.Jensen@pima.gov>; Jennifer Cabrera <Jennifer.Cabrera@pima.gov>; Jennifer Eckstrom <Jennifer.Eckstrom@pima.gov>; JoAnn di Filippo <JoAnn.diFilippo@pima.gov>; Keith Bagwell <Keith.Bagwell@pima.gov>; Lucretia Free <Lucretia.Free@pima.gov>; Lynne St. Angelo <Lynne.St.Angelo@pima.gov>; Maria Klucarova <Maria.Klucarova@pima.gov>; Marjava Ramirez <Marjava.Ramirez@pima.gov>; Ramon Valadez <Ramon.Valadez@pima.gov>; Richard Elias <Richard.Elias@pima.gov>; Sandy Russell <Sandy.Russell@pima.gov>; Sergio Arellano <Sergio.Arellano@pima.gov>; Sharon Bronson <Sharon.Bronson@pima.gov>; Sofia Blue <Sofia.Blue@pima.gov>; Steve Christy <Steve.Christy@pima.gov>; Susanne Kelly <Susanne.Kelly@pima.gov>; Therese Rubink <Therese.Rubink@pima.gov>
Subject: Property Valuation Appeals

Good morning, Mr. Staples.

Please see the attached correspondence from Mr. Huckelberry regarding this subject.

Regards,

Lois Burlingham, Special Staff Assistant
Pima County Administrator's Office
130 W. Congress, 10th Floor
Tucson, AZ 85701

(520) 724-8781