

2011

APPEAL PROCESS GUIDE
FOR LOCAL AND COUNTY
AND CONSOLIDATED
BOARD OF EQUALIZATION MEMBERS



NOTICE TO BOARDS OF EQUALIZATION and PROPERTY OWNERS
PRODUCTIVITY VALUATION FOR 2011 ASSESSMENTS

All agricultural land is to be assessed using the productivity valuation method.

Information concerning this valuation process and the data used to establish the values is available from your Director of Equalization and at the Department of Revenue and Regulation web site at:

<http://www.state.sd.us/drr2/prospectax/property/productivity.htm>

It is important to remember that a property is to be valued fairly and uniformly. A property cannot be assessed higher than actual market value and cannot be assessed higher than other comparable properties. It is also important to remember that the productivity valuation system is being phased in over the next several years.

If anyone has questions on this, please contact your local Director of Equalization or the Department of Revenue and Regulation.

LOCAL BOARDS OF EQUALIZATION

ALL BOARD MINUTES SHALL BE TRANSMITTED TO THE DEPARTMENT OF REVENUE. THE SECRETARY OF REVENUE HAS THE POWER TO REVIEW AND INVALIDATE ANY ACTIONS FOR WHICH THERE IS NO LEGISLATIVE AUTHORITY.

PLEASE NOTE: Appeal to the local board must be perfected by mailing or by filing a written notice of appeal with the clerk of the local board. Filing means "in the hands" of the clerk. Postmarked by the deadline is considered timely mailing.

Any lessee responsible for payment of taxes pursuant to the provisions of a lease shall be considered the taxpayer and may also appeal the valuation, classification, and taxable status of the property.

COMPOSITION

The local board of equalization consists of the board of supervisors of each township or the governing body of each incorporated municipality, together with a member of the school board or school boards whose district comprises all or a part of the township or municipality.

TIME AND PLACE OF MEETING

The local board of equalization shall begin meeting on the third Monday of March and adjourn no later than the following Friday. The meeting shall be at the office of the clerk or finance officer of the township or municipality.

DUTIES

The township clerk or municipal finance officer acts as the clerk of the local board of equalization. It is his/her responsibility to keep an accurate record of all changes made in assessments as well as a record of the proceedings. The clerk must note all appeals in the board minutes and on the form PT 17.

The local board of equalization has the duty to hear and decide appeals within the five days. A written decision must be sent within seven days after adjournment. **Any appeals not resolved by the local board are considered as no change.**

It is the clerk's responsibility to help property owners complete the form PT 17. If a quorum is not present, the clerk has the authority to adjourn the meeting and announce the time of the next meeting.

It is the duty of the board to certify the accuracy of the assessment roll and deliver it to the director of equalization **on or before the fourth Monday in March**, along with a copy of the minutes and all completed PT 17 forms. The board is to review all properties to ensure there is equalization of the assessments and that all property is listed.

Prior to adding omitted property or increasing an assessment on property, the board must notify the property owner of the proposed addition or increase and the time and place of the board meeting at which the addition or increase will be considered. The board must give a property owner an opportunity to appear before the board or submit written documentation concerning the addition or increase.

The local board of equalization does not have the authority to hear appeals on owner-occupied status. They may inform the Director of Equalization of errors in owner-occupied status.

The local board does not have the authority to correct or change the level of assessment of property types.

BEFORE A VALUE CAN BE INCREASED - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the change.

BEFORE A PROPERTY CAN BE ADDED TO THE ASSESSMENT ROLL - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the addition.

The director of equalization has the right to appeal any decision of the local board to the county board. If the director does appeal a decision, it is his/her responsibility to notify the property owner, local board and county auditor by submitting the PT 16 by April 19, 2011.

It is the duty of the board to take action on each appeal. The board's action must be included in the minutes. The board has the authority to equalize assessments between individual parcels of property, but does not have the authority to change the level of assessment between classes of property.

Local boards must complete their work within five days. School board members may vote only on the appeals involving property located within their respective district.

Local boards must notify each appellant of the decision affecting his/her property in writing within seven days after the adjournment of the local board of equalization (April 1, 2011).

MARCH 28, 2011 - clerk of local board SHALL return to the assessor the assessment roll and the complete record of the proceedings.

COUNTY BOARD OF EQUALIZATION

ALL BOARD MINUTES SHALL BE TRANSMITTED TO THE DEPARTMENT OF REVENUE. THE SECRETARY OF REVENUE HAS THE POWER TO REVIEW AND INVALID ANY ACTIONS FOR WHICH THERE IS NO LEGISLATIVE AUTHORITY.

PLEASE NOTE: Appeal to the county board must be perfected by mailing or by filing a written notice of appeal with the clerk of the county board. Filing means "in the hands" of the clerk. Postmarked by the deadline is considered timely mailing.

Any lessee responsible for payment of taxes pursuant to the provisions of a lease shall be considered the taxpayer and may also appeal the valuation, classification, and taxable status of the property.

COMPOSITION

The county board of equalization consists of the county commissioners. The county auditor acts as the clerk of the county board. The county auditor's responsibilities are the same as those described for the clerk of the local boards.

TIME AND PLACE OF MEETING

The county board of equalization begins meeting on the second Tuesday in April and must complete its work no later than three weeks after the second Tuesday in April. The county board meets at the county courthouse.

DUTIES

The county board of equalization has all the power, authority and duties of a local board of equalization in all unorganized territories. A county board of equalization may:

- (1) Correct clerical errors of the assessment roll;
- (2) Hear appeals from individuals regarding aggregate assessments, classification and equalization;
- (3) Equalize between taxing districts and between classes of property. The board shall raise or lower, if necessary, each class of property on a percentage basis covering the class as a whole within the assessment district;
- (4) Hear appeals of owner-occupied status.

The county board DOES NOT HAVE THE AUTHORITY to raise or lower the assessment of an individual parcel of property if it would cause the county board to reassess all property within the taxing district.

The county board DOES HAVE THE DUTY to ensure all property is listed on the assessment roll.

BEFORE A VALUE CAN BE INCREASED - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the change.

BEFORE A PROPERTY CAN BE ADDED TO THE ASSESSMENT ROLL - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the addition.

The county board of equalization shall give written notice of its decision to be postmarked on or before the Friday following its adjournment to each person owning property on which action was taken and to the clerk of the affected local board of equalization. (May 6, 2011)

CONSOLIDATED BOARD OF EQUALIZATION

ALL BOARD MINUTES WILL BE REVIEWED BY THE DEPARTMENT OF REVENUE. THE SECRETARY OF REVENUE HAS THE POWER TO REVIEW AND INVALID ANY ACTIONS FOR WHICH THERE IS NO LEGISLATIVE AUTHORITY.

PLEASE NOTE: Appeal to the consolidated board must be perfected by mailing or by filing a written notice of appeal with the clerk of the local board. Filing means "in the hands" of the clerk. Postmarked by the deadline is considered timely mailing.

Any lessee responsible for payment of taxes pursuant to the provisions of a lease shall be considered the taxpayer and may also appeal the valuation, classification, and taxable status of the property.

Any county, municipality, school, and township may agree by resolution to consolidate the local board of equalization with the county board of equalization no later than the second Tuesday of November. The resolution shall state the number of members from each governing board that will sit as a consolidated board of equalization.

COMPOSITION

The consolidated board consists of the county commissioners and members from the local board of equalization, which may include township supervisors or city commissioners, and school board members.

TIME AND PLACE OF MEETING

The consolidated board of equalization begins meeting on the second Tuesday in April and must complete its work no later than three weeks after the second Tuesday in April. The consolidated board meets at the location agreed upon by the governing bodies.

DUTIES

The consolidated board of equalization may:

- (1) Correct clerical errors of the assessment roll;
- (2) Hear appeals from individuals regarding aggregate assessments, classification and equalization; and
- (3) Equalize between taxing districts and between classes of property. The board shall raise or lower, if necessary, each class of property on a percentage basis covering the class as a whole within the assessment district.

VOTING BY CONSOLIDATED BOARD

Municipal, school and township board members may participate and vote only regarding property within the boundaries of each member's respective taxing district. The county commissioners shall be a majority of the members eligible to vote on the property valuation in question.

A consolidated board of equalization SHALL NOT act on matters that are within the jurisdiction of the county board of equalization. The actions that are within the jurisdiction of the county board of equalization jurisdiction are actions on exempt property and owner-occupied status.

BEFORE A VALUE CAN BE INCREASED - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the change.

BEFORE A PROPERTY CAN BE ADDED TO THE ASSESSMENT ROLL - notice has to be given to the property owner to allow him/her a chance to appear before the board to discuss the addition.

The consolidated board DOES NOT HAVE THE AUTHORITY to raise or lower the assessment of an individual parcel of property if it would cause the county board to reassess all property within the taxing district.

The consolidated board DOES HAVE THE DUTY to ensure all property is listed on the assessment roll.

The consolidated board of equalization shall give written notice of its decision to be postmarked on or before the Friday following its adjournment to each person owning property on which action was taken. (May 6, 2011)

OFFICE OF HEARING EXAMINERS

A publication explaining the proceedings is available to anyone appealing to the OHE. It will be sent to property owners and counties when their hearings are scheduled.