

# State Board of Tax Appeals



**2011 Strategic Plan**

## Message from the Board



**LYLE COBBS**  
**Chairman of the Board**

The Board of Tax Appeals is comprised of three *citizen* board members appointed by the Governor and confirmed by the Senate. It was created by the Legislature in 1969 to provide Idaho citizens and other taxpayers with *impartial*, inexpensive, and convenient quasi-judicial review of most state and local tax assessments. Four staff assist the Board with adjudicating several hundred appeals annually.

Individuals and entities must first exhaust administrative remedies by appealing to the state or local taxing authority. If the parties still disagree, an appeal may then be filed with the Board of Tax Appeals.

Board Members conduct hearings around the state in locations convenient to the parties. Board decisions provide the parties with factual findings and legal conclusions supporting the final determination. At least two Board Members must concur in a final decision and order. Board decisions are further appealable to the District Court and ultimately to the State Supreme Court.

The Board proudly serves Idaho and its citizens by providing due process of law and the best professional administrative appeal services possible.

## Mission

To provide independent, timely, inexpensive, convenient and fair quasi-judicial review of taxpayer appeals.

## Vision

To provide taxpayers with an impartial avenue to question and challenge tax determinations, insuring public trust and confidence in Idaho's tax system.



# Primary Goal

To timely and fairly consider each appeal and to issue a just final disposition.

## **Objective #1: Docket each Appeal**

### Strategy

- Record appeal to the correct docket and assign appeal number within 24 hours

### Performance Measure

- Percentage of appeals timely docketed

### Benchmark

- 100% timely; Internally checked on an “as needed” basis

### External Factors

- Agency staffing and expertise
- Number and timing of appeals received

## **Objective #2: Acknowledge Receipt of Appeal to Parties**

### Strategies

- Review each appeal to determine if perfected
- Acknowledge appeal to all parties and provide helpful information within 14 days

### Performance Measures

- Percentage of appeals timely acknowledged
- Percentage of un-perfected appeals timely addressed

### Benchmark

- 100% timely; Internally checked on an “as needed” basis

### External Factors

- Agency staffing and expertise to analyze notices of appeal
- Number and timing of appeals received
- Nature and complexity of appeals
- Clarity of issues appealed
- New legislation or rules

### **Objective #3: Coordinate Prehearing Proceeding**

#### Strategies

- Assign each case to a presiding officer
- Develop and maintain helpful forms
- Rule on all prehearing motions prior to hearing
- Conduct prehearing conferences as warranted

#### Performance Measure

- Percentage of motions timely addressed

#### Benchmark

- 100% timely; Internally checked on an “as needed” basis

#### External Factors

- Fully appointed 3-member Board
- Agency staffing and expertise
- Budget limitations
- Presiding Officer expertise
- Number and timing of appeals received
- Nature and complexity of appeals
- Number of prehearing motions
- Location of appeals
- Board of Equalization case development

### **Objective #4: Schedule and Hear all Appeals within 90 Days of Filing**

#### Strategies

- Coordinate Presiding Officers' schedules
- Maintain current listing of statewide accommodations
- Reserve secure accommodation for hearing
- Schedule hearing within 90 days of acknowledgment letter
- Clearly identify each hearing issue
- Issue hearing notice at least 20 days prior to hearing

#### Performance Measure

- Percent of hearings scheduled and held within 90 days

#### Benchmark

- 100% of hearings scheduled and held within 90 days, per Board procedural policy toward achieving deadline in I.C. Section 63-3809(4)

#### External Factors

- Fully appointed 3-member Board
- Agency staffing and expertise
- Availability of secure hearing accommodations
- Budget limitations
- Weather
- Continuance stipulations
- Parties' availability for hearing
- Number of appeals
- Nature and complexity of appeals
- Timing of transmittal of ad valorem appeals and records from the County Clerk

The three previous objectives affect the success of this measurable objective. Successful accomplishment of this goal significantly depends on timely Gubernatorial Board Member appointments and adequate staffing levels and expertise.

### **Objective #5: Prepare For and Conduct Fair Hearing**

#### Strategies

- Secure travel and overnight accommodations and notify presiding officer
- Send official file materials to Presiding Officer 2-4 weeks prior to hearing
- Conduct hearing, gather *all* evidence and argument (APA, I.C., Title 67, Chapter 52)
- Close the record

#### Performance Measures

- Percentage of travel arrangements adequately made and communicated
- Percentage of hearings fairly conducted and records properly created

#### Benchmark

- 100% compliance with measures; Internally checked on an "as needed" basis

#### External Factors

- Number of appeals
- Nature and complexity of appeals
- Presiding Officer expertise
- Fully appointed 3-member Board
- Equipment soundness
- Hearing accommodations
- Weather
- Budget limitations
- Board of Equalization case development

A "fair hearing" requires an impartial presiding officer and decision-maker. To ensure the appearance and reality of impartiality, Board Member appointees must be objective, having diverse backgrounds which facilitates a balanced Board.

- Parties' preparedness for hearing
- Continuance stipulations

### **Objective #6: Review Record and Propose Decision**

#### Strategies

- Determine issues to be decided
- Identify, consider and apply pertinent code, case law or other legal authority
- Determine key facts and resolve evidentiary conflicts
- Propose preliminary recommended decision within 30 days of record closing

#### Performance Measure

- Percentage of proposed decisions and hearing records submitted timely

#### Benchmark

- 100% timely; Internally checked on an "as needed" basis

#### External Factors

- Fully appointed 3-member Board
- Presiding Officer availability and expertise
- Number of appeals
- Nature and complexity of appeals
- Parties' preparedness for hearing
- Location of appeals affecting travel time and Board Member availability
- Board of Equalization case development

### **Objective #7: Draft Reasoned and Supported Decision and Final Order Sufficient to Resolve the Appeal**

#### Strategies

- Maintain current library resources and access to legal research service
- Research, analyze, determine and prepare appropriate findings of fact and conclusions of law
- Fully draft concise final decision language within 75 days of hearing
- Prepare appropriate proposed final order

#### Performance Measure

- Percentage of decisions timely drafted

#### Benchmark

- 90% of decisions drafted timely, per Board procedural policy

#### External Factors

- Fully appointed 3-member Board
- Board Member availability and expertise
- Number of appeals
- Nature and complexity of appeals
- Number of final decisions written
- Agency staffing and expertise

Successful performance of this critical objective depends on a fully appointed 3-member Board and sufficient staffing levels and expertise. The complexity and number of final decisions issued each year is increasing.

### **Objective #8: Circulate Final Decision Draft for Board Consideration and Approval**

#### Strategy

- Secure the minimum two (2) Board Member signatures within 15 days of circulating the recommended decision

#### Performance Measure

- Percentage of timely Board Member responses

#### Benchmark

- 80% timely response, per Board procedural policy

#### External Factors

- Number of appeals
- Nature and complexity of appeals
- Number of final decisions written
- Agency staffing and expertise
- Fully appointed 3-member Board
- Board Member availability and expertise
- Two Board Member agreement

### **Objective #9: Issue Final Decision and Order**

#### Strategies

- Communicate decision to parties by certified mail within 90 days of hearing
- Issue ad valorem decisions by May 1
- Issue Tax Commission decisions within 180 days of appeal filing

#### Performance Measures

- Percentage of decisions rendered timely to hearing date (90 days)
- Percentage of ad valorem decisions issued by May 1 deadline
- Percentage of Tax Commission decisions issued timely (180 days)

#### Benchmarks

- 100% of decisions issued within 90 days of hearing, per Board policy
- 100% of ad-valorem decisions issued timely, pursuant to I.C. Section 63-3809(4)
- 100% of Tax Commission decisions issued timely, per Board policy

#### External Factors

- Fully appointed 3-member Board
- Board Member availability and expertise
- Agency staffing and expertise
- Number of appeals
- Nature and complexity of appeals
- Number of decisions written
- Location of appeals
- Timing on transmittal of ad valorem appeals and records from the County to the Board
- Budget limitations
- Continuance stipulations

Successful performance of this primary objective depends on a fully appointed 3-member Board. Lack of adequate budget, staffing levels and expertise together with the increase in public demand for appeal services, restrict the Board in meeting the statutory decision deadline.

### **Objective #10: Rule on Reconsideration and Rehearing Motions**

#### Strategies

- Consider motion and any response from other party
- Rule on the motion within 30 days
- Prepare and issue written order
- Conduct reconsideration or rehearing when warranted; if reconsideration granted, complete within 30 days; if rehearing granted, complete within 90 days

#### Performance Measures

- Percentage of reconsideration/rehearing motions timely decided
- Percentage of timely reconsiderations/rehearings if granted

#### Benchmark

- 100% timely; Internally checked on an “as-needed” basis

#### External Factors

- Volume of motions
- Number of appeals
- Nature and complexity of appeals
- Board Member and Hearing Officer expertise
- Board Member availability
- Fully appointed 3-member Board
- Agency staffing and expertise

### **Objective #11: Prepare Case File for Judicial Review**

#### Strategies

- Index and copy official record
- Prepare official transcript
- Notify parties and forward official record to district court within 42 days of court appeal filing

#### Performance Measure

- Percentage of settled transcripts and records timely submitted, pursuant to I.C. Section 63-3812 and Idaho Rules of Civil Procedure, Rule 84(k)

#### Benchmark

- 100% timely; Internally checked on an “as needed” basis

#### External Factors

- Number of appeals
- Nature and complexity of appeals
- Agency staffing and expertise
- District Court special orders relating to record transmittal

The success of this important goal depends on adequate staffing with the expertise to complete the requirements of the Idaho Rules of Civil Procedure associated with preparation of the Board record for judicial review.

## Supporting Goal

To ensure taxpayers are aware of taxation appeal rights to the State Board of Tax Appeals, and are able to readily and effectively access the services.

### **Objective #1: Provide helpful information to parties for effective participation and case presentation in the appeal process**

#### Strategies

- Annually provide and distribute updated appeal instructions
- Annually provide and distribute updated informational brochures
- Develop specialized brochures specific to key appeal issues

#### Performance Measures

- Appeal instructions were updated and timely distributed, Yes/No
- Information brochures were updated and distributed, Yes/No

#### Benchmark

- All forms, instructions and brochures annually updated and distributed

#### External Factors

- Budget limitations
- Agency staffing and expertise
- Number of appeals
- Nature and complexity of appeals
- Fully appointed 3-member Board

Approximately 70% of appeals are presented without legal assistance. The legislative purpose of this citizen Board is to provide Idaho taxpayers an avenue of appeal. Impartial, informational and educational aids help parties prepare and present appeals. Successful implementation of this important goal depends on agency staffing, expertise and financial support.

### **Objective #2: Develop and administer a public relations campaign to ensure Idaho taxpayers are aware of administrative appeal rights and how to file, and prepare for, an appeal**

#### Strategies

- Annually update the Board's website
- Post final decisions to the website within 30 days
- Issue regular and multiple public service announcements
- Develop, distribute, and post to website an informational video
- Research current (baseline) taxpayer awareness levels within two (2) years

Performance Measures

- Final decisions timely posted to the website, Yes/No
- Website updated annually, Yes/No
- Issued multiple public service announcements, Yes/No
- Developed and distributed informational video, Yes/No
- Researched taxpayer awareness, Yes/No

Benchmark

- Full completion of all performance measures

External Factors

- Budget limitations
- Agency staffing and expertise
- Number of appeals
- Nature and complexity of appeals
- Fully appointed 3-member Board

Legislators, the public, and others familiar with Board services have inquired about this objective. Successful completion of this goal requires additional funding and increased staffing levels.

**Objective #3: Review Statutory Legislation and Procedural Rules**

Strategies

- Review, edit and propose changes to *existing* Board statutes and rules to avoid conflicts with other statutes, rules, case law, and the Idaho Rules of Civil Procedure
- Incorporate user-friendly language and clarity improvements to Board rules and statutes, at least once every three years

Performance Measure

- Reviewed Board statutes and rules timely, Yes/No

Benchmark

- Full completion of performance measure

External Factors

- Fully appointed 3-member Board
- Board Member availability and expertise
- Agency staffing and expertise
- Number of appeals
- Nature and complexity of appeals
- Budget limitations