

**Fremont County Board of Review
Fremont County Courthouse
Sidney, Iowa 51652**

RULES OF PROCEDURE

1. All protest petitions to the Board of Review (“Board”) must be in writing as provided in Iowa Code 441.37 on forms approved by the Iowa Department of Revenue (“Department”). The Fremont County Assessor’s office (“Assessor”) shall provide property owners or their agents with said forms, either in person or upon written request. The Assessor’s office shall keep a record indicating to whom the forms were provided and for what properties. No supply of forms shall be given to any group or organization for redistribution to their members.
2. All protest petitions must be filed between April 2 and April 30, inclusive. If April 30 falls on the weekend or a holiday, then the protest petition shall be accepted the following business day. The Board shall not act upon any protest petition that is untimely filed. Petitioners who have not filed timely protest petitions shall be notified after the Board adjourns.
3. All protest petitions must be clearly and fully filled in so that the Board shall know, understand, and corroborate the petitioner’s grounds of protest. Protest petitions must be based on one or more of the grounds set forth in Iowa Code 441.37. The Board shall not act upon any protest petition that does not identify the grounds of protest.
4. Separate protest petitions must be filed for each separate property description.
5. The Board shall accept faxed, emailed, post office mailed, or hand-delivered protest petitions. **The Board requires docu-sign for all emailed petitions.**
6. All protest petitions must be signed by an owner or authorized agent with the agent authorization attached.
7. Any amendment to a protest petition must be in writing and filed with the Board at least two weeks prior to the hearing date, or three days after the protest petition was filed, whichever is earlier. The Board may consider amendments concerning clerical errors at the time of the hearing. The petitioner is asked to give notice of such errors prior to the hearing.
8. Protest petitions not marked “yes” or “no” for an oral hearing shall be considered as no oral hearing requested. Protest petitions marked “yes” with a comment such as “if needed” or “if necessary” shall be considered as oral hearing requested.
9. A petitioner who did not request an oral hearing will not be allowed to present further evidence when the Board considers the petition.
10. The Assessor shall schedule all oral hearings and send notice of all hearings to the petitioner.

11. All oral hearings shall be by appointment only. All hearings must be in person unless a request for telephone hearing is made when the protest petition is filed. The Board has discretion on whether to allow or disallow a telephonic hearing and said discretion shall be exercised on a case by case basis.
12. All oral hearings are limited to ten (10) minutes in duration unless the Board grants an extension of time.
13. The Chairperson of the Board shall conduct the hearing and shall require each person addressing the Board to give an oath such as: Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?''.
14. If a petitioner or authorized agent fails to appear at the time set for the oral hearing, then the Board may proceed to act on the protest petition in the same manner as a non-oral hearing unless, in the opinion of the Board, a just reason exists for the failure to appear. Due to the limited time frame of the Board sessions, oral hearings will only be rescheduled in extreme circumstances.
15. The Board reserves the right to video and/or audio record any hearing.
16. The Assessor and/or a member of the Assessor's staff shall attend all oral hearings to confirm values, circumstances, conditions, and statements.
17. At the Board's discretion, the County Attorney or other attorney for the Board may be asked to attend a hearing and offer advice to the Board.
18. Petitioners must furnish documentation to support protest petitions. The Board only acts on protests of valuations – not taxes. The burden of proof shall be upon the petitioner to prove one of the grounds of protest set forth in Iowa Code 441.37.
19. All appraisals submitted must be by Iowa certified real estate appraisers per Iowa Code Chapter 543D.2 and must conform to Uniform Standards of Professional Appraisal Practice (USPAP). The appraiser must be present at the hearing and prepared to testify.
20. The Board is a quasi-judicial body with the authority to subpoena witnesses and documents. If the petitioner, their agent, or attorney fails to fully honor a subpoena or fails to furnish the records and information requested by the Board, then the Board may find said protest to be in default and dismissed.
21. All protest petitions on income producing properties must be accompanied by:
 - (a) an income statement covering the last three full years of operation;
 - (b) copies of current lease agreements; and (c) tax returns for the last three years. For purposes of this rule, income producing properties include only multiple family units that have any portion leased, and any commercial or industrial properties that are not owner-occupied and used. Note: This information is confidential and shall not be released for public view. This information must be attached to the protest petition when filed.

22. Discussion with a member of the Board concerning a petitioner's petition, a property's valuation, any evidence to present at hearing, or any other matter under the Board's jurisdiction is only permitted when the Board is in session. A Board member may request more information or a clarification from the petitioner through the Board's clerk or attorney.
23. Petitioners shall not be given a decision at the oral hearing. All decisions of the Board shall be given by written notice to the petitioner after the hearing and/or field inspection.
24. The Board reserves the right to adopt further rules and procedures as deemed necessary to the performance of the Board's duties under Iowa Code Chapter 441.
25. Should any of the above rules and procedures come in conflict with the Iowa Code, or with the duties and responsibilities outlined by the Department, the Iowa Code and the Department provisions shall control.
26. The chairperson of the Board of Review has the power to act on behalf of the Board of Review during or after the close of the Board of Review's session regarding any appeal from the Board of Review's decision, including, but not limited to the retaining of counsel to extent authorized by the Conference Board, the responding to discovery, and the supervision of such litigation.
27. In all other instances, the Robert's Rule of Order shall guide the Board in conduction of business.