BILL NO. 3-17-15-2

SUMMARY – An ordinance revising the process for selecting real property appraisers to be used when the County contemplates the voluntary sale or lease of real property, including development of a specialized list of appraisers.

ORDINANCE NO. ____________________________

(of Clark County, Nevada)

AN ORDINANCE REVISING THE PROCESS FOR SELECTING REAL PROPERTY APPRAISERS TO BE USED WHEN THE COUNTY CONTEMPLATES THE VOLUNTARY SALE OR LEASE OF REAL PROPERTY, INCLUDING DEVELOPMENT OF A SPECIALIZED LIST OF APPRAISERS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS DOES ORDAIN AS FOLLOWS:

SECTION ONE. Chapter 18.20 of the Clark County Code, entitled “Appraisers of County Property,” is amended by the addition of new and revised provisions, as follows:

18.20.010 Purpose.

Unless otherwise provided by state law or required by federal law, before the board of county commissioners may sell or lease any of the real property owned by the county, the board shall first cause such property to be appraised pursuant to the provisions set forth in this chapter.
18.20.020 Requirements.

Prior to the sale or lease of any real property owned by the county, the director of real property management and the directors of such other county departments that may be authorized by the board to negotiate to sell or lease county-owned real property (collectively and individually, "the director"), shall obtain two independent appraisals of the real property. Each appraisal shall be prepared by appraisers selected from a list established pursuant to Section 18.20.030 of this chapter. The selection and appointment of the appraisers shall be according to the procedure established pursuant to Section 18.20.040 of this chapter. The qualifications of the appraisers shall be determined pursuant to Section 18.20.060 of this chapter.

18.20.030 Lists—Established.

Lists of appraisers shall be established as follows: The director shall:

(a) (1) Obtain from the state of Nevada, Department of Business and Industry, Real Estate Division, a current list of all Nevada Certified General Appraisers licensed or certified to appraise real estate in the state of Nevada and identify those on active status;

(2) Send a letter to all appraisers on that list requesting that they submit a statement of interest in providing appraisal services for the sale or lease of real property owned by Clark County according to their area(s) of practice, together with a statement of their general qualifications and general consent to the requirements listed in Section 18.20.060; and

(3) Review and compile the list of appraisers responding to the letter and organize it at random. Such random organization may be done by using any method that the
director determines will result in a random listing. The director shall present each such list to the board for approval.

(b) If a particular parcel or parcels presents complex real estate and/or land use issues which require special skills or experience to determine the fair market value of the property, the County may develop a separate list of appraisers by setting forth the special qualifications desired and other relevant information in a request for qualifications solicitation, to which interested qualified persons may reply, together with a statement of their specific qualifications in the area(s) sought. Respondents shall present proof of the appropriate certificate, license, or permit required by NRS Chapter 645C. The responses shall be compiled on a separate list, and organized by random method and, once the list is approved by the board, selection of appraisers may be made from the list as needed in the matter set forth in CCC 18.20.040.

18.20.040 Selection—Procedure.

The board hereby establishes the following procedure for selection of appraisers: The director shall select the first two or more names starting at the top of the random list of appraisers, based on their area of practice and qualifications for the particular assignment. The appraisers so selected shall be required to submit a proposal, including a quote and their specific qualifications for the particular assignment; together with the disclosure statement described in Section 18.20.060. Until such time as the list is amended or rotated as provided in Section 18.20.050, the names of those appraisers so selected and appointed will be moved to the bottom of the list.

18.20.050 Director's responsibilities.

The director shall annually, or at other times deemed necessary:
(a) Review the records of the state of Nevada, Department of Business and Industry, Real Estate Division, to identify changes, additions or deletions of those Nevada Certified General appraisers on active status;

(b) Send a letter to all new appraisers requesting that they submit a statement of interest in providing appraisal services for the sale or lease of real property owned by Clark County according to their area(s) of practice, together with a statement of their qualifications; and

(c) Compile a new list of appraisers comprised of the existing appraisers and the new appraisers responding to the letter and organize it at random. The list may be amended to remove a name at any time upon written request from an appraiser, upon information received from the state of Nevada, Department of Business and Industry, Real Estate Division, that an appraiser is no longer active or that some other basis exists for removal, or upon a determination by the board that a basis exists for removal.

18.20.060 Qualification criteria.

(a) The board hereby establishes the following criteria to be used in determining the qualifications of appraisers. These criteria shall include, but not be limited to, the following:

(1) Possession of Nevada General Appraiser Certification issued by the Real Estate Division, or the ability to obtain a permit from the State pursuant to NRS Chapter 645C;

(2) Years of experience in appraising real property in Nevada;

(3) Description of previous projects similar in size and scope to the particular assignment;
(4) Professional expertise, based on a resume of qualifications, certifications and professional expertise of the person performing the work;

(5) Appraiser's current workload to determine ability to perform the work required for the particular project;

(6) Competitiveness of fees;

(7) Ability to obtain professional liability insurance as required by the county;

(8) Willingness to indemnify the county for errors, omissions and negligence;

(9) Lack of any conflict of interest as specified in subsection (b) of this section; and

(10) Any other criteria deemed appropriate under the circumstances of the particular assignment.

(b) An appraiser shall not be qualified for an assignment if the appraiser or a person related to the appraiser within the third degree of consanguinity or affinity has an interest in the real property to be appraised or an interest in real property adjoining the property to be appraised. An appraiser selected from the list must provide a disclosure statement to the director which includes, but is not limited to, a statement describing any such relationship and a list of all sources of income that may constitute a conflict of interest.

18.20.070 Appraisal time restriction.

The appraisals obtained pursuant to this chapter may be used to determine the price of real property to be sold or leased only if such appraisals have been prepared not more than six months before the date on which the real property is offered for sale or lease.

SECTION TWO. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.
SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 17th day of March, 2015.

PROPOSED BY: Steve Sisolak

PASSED on the _____ day of ________________, 2015.

AYES: ______________________________________

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NAYS: ______________________________________

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ABSTAINING: ______________________________

ABSENT: ___________________________________
BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: ____________________________

STEVE SISOLAK, Chairman

ATTEST:

_______________________________
LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after

the ______ day of ______ 2015.