

July 24, 2008

**VALUE ADJUSTMENT BOARD (VAB) 2008 ORGANIZATIONAL MEETING
MINUTES OF JULY 24, 2008**

The Value Adjustment Board (VAB) of Indian River County, Florida, met in Building A, Room 102 at the County Administration Building, 1801 27th Street, Vero Beach, Florida, on Thursday, July 24, 2008, at 1:30 p.m. Present were Chairman Peter O'Bryan, Commissioner Wesley S. Davis (arrived at 1:37 p.m.), Commissioner Joseph E. Flescher, and School Board Members Carol Johnson and Debbie MacKay. Also present were County Attorney William G. Collins II, Chief Deputy Darlene Silverstein of the Property Appraiser's Office, and Clerk of Value Adjustment Board Maria Suesz. Also present were Pat Thomas and Leona Allen from the office of the Clerk to the Board and Value Adjustment Board.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 1:30 p.m.

2. INVOCATION – Chairman O'Bryan Wesley S. Davis

Chairman O'Bryan delivered the Invocation.

3. PLEDGE OF ALLEGIANCE – Commissioner Joseph E. Flescher

Commissioner Flescher led the Pledge of Allegiance to the Flag.

(Clerk's Note: Board Member Davis arrived at the meeting at 1:37 p.m.)

4. ELECTION OF CHAIRMAN AND VICE CHAIRMAN-PURSUANT TO F.S. 194.05, THE CHAIRMAN MUST BE A BOARD OF COUNTY COMMISSIONER

Chairman O'Bryan opened the floor for nominations for Chairman.

School Board Member Johnson nominated Commissioner Peter D. O'Bryan to serve as Chairman of the Board for the coming year, which nomination was seconded by Board Member MacKay and, upon being put to the vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

Chairman O'Bryan opened the floor for nominations for Vice Chairman.

Board Member Davis nominated Commissioner Joseph E. Flescher as Vice Chairman of the Board for the coming year, which nomination was seconded by Board Member MacKay and, upon being put to the vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

5. APPROVE THE MINUTES OF MAY 8, 2008

Board Member Davis approved the Board minutes of May 8, 2008, as written, which approval was seconded by Vice Chairman Flescher and, upon being put to vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

6. VAB ATTORNEY REPORT ON HOUSE BILL 909 – effective September 1, 2008

6.A.1 Requirements: that the Board of County Commissioners (BOCC) appoint two (2) Board Members as the VAB members for 2008, and three (3) alternates.

6.A.2. that the BOCC appoint one (1) citizen member who owns homestead property in the County, and one alternate citizen member

6.A.3. that the School Board appoint one (1) Board Member as the VAB member for 2008, and one or more alternates

6.A.4. that the School Board appoint one (1) citizen member who owns a business occupying commercial space within the school district, and one alternate.

6.A.5. that VAB hire an outside attorney to serve them, as a county attorney can no longer provide that service.

County Attorney William G. Collins II discussed the important changes of House Bill 909, effective September 1, 2008.

Board Member Carol Johnson received a Citizen Member application from Harold Hurst that she was forwarding to the County for consideration because this applicant did not own a business and he could not qualify as the school board citizen member.

Attorney Collins continued his discussion providing a brief history of the situations that have occurred whereby legal assistance was necessary. In response to the Chairman's question, Attorney Collins advised that the VAB needed to appoint private counsel and should plan to hold another meeting prior to September 1st.

Board Member Johnson inquired what the Board did regarding the per diem. Chairman O'Bryan responded that the County Commission approved a Resolution for the per diem to enable the Citizen to be able to receive reimbursement. He expressed that he was not interested in the per diem for himself. Attorney Collins confirmed that the reimbursement was \$50.00 per day, and \$.445 per mile.

Chairman O'Bryan asked for those present to introduce themselves for the record.

7. APPROVAL OF ISSUE REQUEST FOR PROPOSAL TO HIRE PRIVATE COUNSEL AS REQUIRED BY HB 909

Chairman O'Bryan posed several questions inquiring what was the procedure to follow in making this selection, how to determine the fee, and how the RFP would be advertised. Attorney Collins indicated that if the appointment is made prior to September 1st, he would be able to discuss it with the Board. He believed, aside from the 5 years experience as an attorney as stated in the Statutes, the Board may want to look for someone who has a background in real estate or taxation. He advised that the Board should determine the fee depending upon the proposals, the Board's evaluation, and the applicant's qualifications. He had seen the fee range from \$95.00 to \$220.00 in other counties.

Discussion ensued regarding private counsel having residency in Indian River.

Board Member Johnson, moved approval for staff to advertise to hire Private Counsel for the VAB, which approval was seconded by Board Member Davis and, upon being put to the vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

8. APPROVAL TO PROVIDE SECURITY AT VAB HEARINGS

Board Member Davis moved approval for the VAB Clerk to send a letter to the Sheriff's office requesting him to provide security at the VAB hearings which approval was seconded by Vice Chairman Flescher and, upon being put to vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___

Joseph E. Flescher ___Aye___

Debbie MacKay ___Aye___

Carol Johnson ___Aye___

9. APPOINT ONE ATTORNEY SPECIAL MAGISTRATE APPLICANT TO SERVE AS SPECIAL MAGISTRATE FOR EXEMPTION/CLASSIFICATION AND PORTABILITY HEARINGS

Julie A. Zahniser, Esquire, was considered for the appointment.

Board Member Davis moved approval of the contract appointing Julie A. Zahniser to serve as Attorney Special Magistrate to hear the exemption and classification hearings for 2008 tax year, which approval was seconded by Board Member Johnson and, upon being put to vote, the vote was as follows:

Peter D. O'Bryan ___Aye___

Wesley S. Davis ___Aye___

Joseph E. Flescher ___Aye___

Debbie MacKay ___Aye___

Carol Johnson ___Aye___

10. APPOINT ONE APPRAISER SPECIAL MAGISTRATE APPLICANT TO SERVE AS SPECIAL MAGISTRATE FOR TANGIBLE AND REAL PROPERTY VALUATION HEARINGS

Michael E. Armbruster, SRPA, was considered for the position.

Chairman O'Bryan expressed concern that Mr. Armbruster may take on too much work since he served as Special Magistrate for several counties. Board Member Davis understood the Chairman's position, and he asked that if a problem arise that it be brought to the Board's attention.

VAB Clerk Maria Suesz announced that the hearing dates for valuation have already been tentatively set with Mr. Armbruster.

Board Member Davis moved approval of the contract to appoint Michael Armbruster as Appraiser Special Magistrate to hear the tangible and real property valuation hearings, which approval was seconded by Vice Chairman Flescher and, upon being put to vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

11. APPROVE SPECIAL MAGISTRATE FEES FOR LEGAL COUNSEL TO HEAR EXEMPTION/CLASSIFICATION/PORTABILITY HEARINGS

(Clerk's Note: Item 11 and Item 12 were heard as one item and one action was taken.)

12. APPROVE SPECIAL MAGISTRATE FEES FOR VALUATION AND TANGIBLE PERSONAL PROPERTY SPECIAL MAGISTRATE

Vice Chairman Flescher moved to 1) approve the fee of \$120.00 per hour for legal counsel to hear exemption/classification/portability hearings (Item 11); and 2) approve the fee of \$105.00 per hour for Appraiser Special Magistrate to hear tangible personal property and valuation petitions, which approval was seconded by Board Member Davis and, upon being put to the vote, the vote was as follows:

Peter D. O'Bryan	___ Aye ___
Wesley S. Davis	___ Aye ___
Joseph E. Flescher	___ Aye ___
Debbie MacKay	___ Aye ___
Carol Johnson	___ Aye ___

13. APPROVE RULES OF PROCEDURE

Board Member Davis moved approval of the updated Rules of Procedure presented to the Board, which approval was seconded by Vice Chairman Flescher and, upon being put to vote, the vote was as follows:

Peter D. O'Bryan	___Aye___
Wesley S. Davis	___Aye___
Joseph E. Flescher	___Aye___
Debbie MacKay	___Aye___
Carol Johnson	___Aye___

14. PUBLIC INPUT

None.

15. ADDITIONAL MATTERS

None.

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 2:08 p.m.

ATTEST:

J. K. BARTON, CLERK

By: Maria I. Suesz
Maria I. Suesz, Deputy Clerk

Peter D. O'Bryan
Peter D. O'Bryan, Chairman

Minutes Approved: 8-26-08