

August 26, 2008

VALUE ADJUSTMENT BOARD (VAB) 2008 MEETING
MINUTES OF AUGUST 26, 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 Tuesday, August 26, 2008, at 10:30 a.m. Present were Chairman Peter D. O'Bryan, Vice Chairman Joseph E. Flescher, Commissioner Wesley S. Davis, and School Board Members Carol Johnson and Debbie MacKay, Deputy County Attorney William DeBaal, Property Appraiser David Nolte, Chief Deputy Appraiser Darlene Silverstein, and Deputy Clerk Maria Suesz. Also present were applicants Jeffrey P. Buak, Esquire and Daniel C. Stump, Esquire.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 10:40 a.m.

2. INVOCATION – Wesley S. Davis

Board Member Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE – Joseph E. Flescher

Vice Chairman Flescher led the Pledge of Allegiance to the Flag.

Chairman O'Bryan asked for introductions of those present at the meeting.

**4. APPROVAL OF MINUTES OF THE ORGANIZATIONAL MEETING
HELD JULY 24, 2008**

On Motion by Board Member Johnson, Seconded by Board Member Davis, the Board unanimously approved the VAB Minutes of July 24, 2008, as written and distributed.

5. APPOINTMENT OF PRIVATE COUNSEL FROM THE FOLLOWING LIST; APPROVE THE HOURLY CONTRACT RATE, AND APPROVE THE CHAIRMAN TO EXECUTE THE CONTRACT

Nicholas D. Thomas, Esq.
E. Steven Lauer, Esq.
David L. Hancock, Esq.
Jeffrey R. Pegler, Esq.
Barry G. Segal, Esq.
Daniel C. Stump, Esq.
Jeffrey P. Buak, Esq.

Attorney DeBral gave a quick review of the duties of the Attorney for the Value Adjustment Board, stating that he found the main duty to be assisting the clerk in gathering the items necessary for the VAB meetings. He defined other responsibilities as attending all VAB meetings and appeals, handle contracts, invoices, public records requests and correspondence, for the Board, and he should stay current with the Statutes.

Chairman O'Bryan wanted it clarified that the Attorney contracted for VAB could only represent the Value Adjustment Board or other counties' Value Adjustment Boards, but could not represent in any county the Property Appraiser, any taxing authority, or any property owner in any administrative or judicial review pertaining to property taxes. Attorney DeBral replied affirmatively.

Board Member MacKay questioned what important qualifications they should look for in the applicants. Attorney DeBral said he would look for experience in municipal, State, county government law, participation on Boards, and knowledge of property tax laws.

Chairman O'Bryan referred to the fee provision of the contract approved at the organizational meeting held July 24, 2008, pointing that the Board would pay the Attorney a negotiated hourly rate, and that the contract did not include travel expenses. He pointed out that the contract is for a one year period, with the option of two one-year renewals.

Property Appraiser David Nolte commented on a typical abuse by an Attorney hired by Dade County VAB, who included on his invoice the time he spent responding to public phone calls.

Discussion ensued regarding the Property Appraiser's comments. Chairman O'Bryan cited the "services" part of the contract and found no need to make any changes to it.

Chairman O'Bryan mentioned that an estimate of the hours is somewhere within 200 to 500 hours per year.

Applicants Daniel Stump and Jeffrey Buak gave a five minute presentation to the Board.

Chairman O'Bryan reviewed with the Board the resumes of the other applicants, and each Board member selected whom they felt were the three top candidates to consider.

(Clerk's Note: Attorneys Daniel Stump and Jeffrey Buak left the meeting at 11:26 a.m.)

Discussion ensued regarding attorney fees, paralegal fees, and clerical fees.

MOTION WAS MADE by Board Member Davis, SECONDED by Board Member Johnson, to award the contract to David Hancock, Esquire, approving the \$100.00 hourly rate for attorney services, not more that \$75 per hour for paralegal services, and not more than \$50.00 per hour for clerical services.

Discussion continued regarding the Board's knowledge of Attorney Hancock.

The Chairman CALLED THE QUESTION and the motion carried, by a vote of 4 to 1, Board Member MacKay opposed.

6. ADDITIONAL ITEMS

Chairman O'Bryan announced that the Board of County Commission appointed Duane Weise to the Value Adjustment Board and Commissioner Davis would become an alternate member.

7 ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 11:55 a.m.

ATTEST:

Maria Huesz, Deputy Clerk
FOR: JEFFREY K. BARTON, CLERK

Peter D O'Bryan
PETER D. O'BRYAN
CHAIRMAN

MINUTES APPROVED: September 22, 2008

MS