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VALUE ADJUSTMENT BOARD MINUTES
SPECIAL MEETING TO HIRE PRIVATE COUNSEL
 County Administration Building, First Floor
Monday, July 21, 2014, Room A-102, 11:00 a.m.

BOARD MEMBERS:

| | | | |
|----------------------------------------------|---------|-------------------------------------------------------------|---------|
| Commissioner Wesley S. Davis, Chairman | Present | TBA, VAB Attorney | |
| Commissioner Peter O'Bryan, Vice Chairman | Present | Jeffrey R. Smith, Clerk of Circuit Court and Comptroller | Absent |
| Carol Johnson, School Board District 4 | Present | Maria I. Suesz, VAB Board Clerk | Present |
| Todd Heckman, Business Citizen Member | Absent | | |
| Duane Weise, Homesteaded Citizen Member | Present | | |

1. CALL OF ORDER

Chairman Wesley S. Davis called the meeting to order at 11:30 a.m.

Also in attendance from the Property Appraiser's Office were Supervisors Bruce Goodwin and Helen "Sissy" Long.

The applicants in attendance were Attorneys Nicholas Thomas, Michelle Napier, Daniel Stump, Scott Wideman, and Aaron Thalwitzer.

2. INVOCATION – Carol Johnson

School Board Member Carol Johnson delivered the Invocation.

3. PLEDGE OF ALLEGIANCE – Duane Weise

Citizen Member Duane Weise led the Pledge of Allegiance to the Flag.

4.A. PRESENTATION FROM THE ATTORNEY APPLICANTS IN THE FOLLOWING ORDER

(Presentations are to be limited to 5 minutes)

Nicholas D. Thomas, Esq.

Michelle Napier, Esq.

Daniel C. Stump, Esq.

Scott Widerman, Aaron Thalwitzer, and/or Phillip Zies, a Team from the Law Firm of Zies Widerman & Malek

Following introductions by the applicants **Attorneys Nicholas D. Thomas, Michelle Napier, Daniel C. Stump, and Scott Widerman** (who was accompanied by Aaron Thalwitzer) each gave a five-minute presentation.

4.B. DISCUSSION BY THE BOARD

Attorney Thomas felt that a distinction should be made that DOR Rule 12D-9.009 clearly indicates to hire a single individual. Attorney Scott Widerman agreed, but he wanted to clarify that as a team they have the resources to fill in if one of them was not available.

Discussion ensued and additional questions were posed to Attorney Widerman who clarified that the appointment would be a specific appointment with any one of the three applicants from his firm.

Commissioner O'Bryan was concerned that there may be a conflict of interest if Attorney Stump was appointed as Counsel and was appointed as Special Magistrate in St. Lucie County. **Attorney Stump** said he would be declining the appointment as Special Magistrate if he was appointed as Counsel.

Commissioner O'Bryan asked Attorney Napier to elaborate on the type of cases that she was involved with during the six years she served as Assistant City Attorney in Fellsmere.

School Board Member Johnson asked the applicants if they are willing to register for the DOR training and take the test for certification.

VAB Clerk Suesz advised the Board that some counties have hired an alternate attorney to serve as private counsel and she asked the Chairman if this Board wanted to consider it.

Discussion continued and Chairman Davis felt they could never be prepared enough in light of what the Board recently experienced (the sudden death of the VAB Attorney David Hancock). He felt it would be prudent to do so, however, Attorney Thomas disagreed, and remained opposed to the Board taking action on this matter, as it was not following the law. No further action was taken on this issue.

Citizen Member Weise sought additional information regarding the Attorney Applicants' office structures and backgrounds.

4. C. MOTION TO APPOINT VALUE ADJUSTMENT BOARD PRIVATE COUNSEL, APPROVE THE HOURLY RATE OF PAY, AND APPROVE THE CHAIRMAN TO EXECUTE THE CONTRACT

MOTION WAS MADE by Vice Chairman O'Bryan, SECONDED by Chairman Davis, to appoint Attorney Daniel Stump as VAB private counsel.

School Board Member Johnson recognized that Attorney Napier has some government experience and some office backup, and although she greatly respected Attorney Stump and what he has done in St. Lucie County, she also had to recognize the bigger picture.

Citizen Member Weise agreed with School Board Member Johnson.

Vice Chairman O'Bryan WITHDREW his motion, and made a new motion.

ON MOTION by Vice Chairman O'Bryan, SECONDED by School Board Member Johnson, by a 3-1 vote (Chairman Davis opposed, and Citizen Member Todd Heckman absent), the Board: 1) appointed Attorney Michelle Napier as the Value Adjustment Board Private Counsel, 2) approved an hourly rate of pay of \$125.00 per hour for attorney fees, \$75.00 per hour for paralegal fees, and \$50.00 per hour for clerical fees, and 3) approved and authorized the Chairman to execute the contract on behalf of the full Board.

5. PUBLIC COMMENTS - NONE

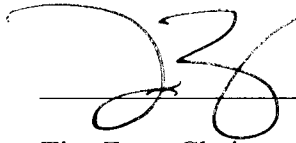
6. ADDITIONAL ITEMS - NONE

7. ADJOURNMENT

The Chairman adjourned the meeting at 12:02 p.m.

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller



Tim Zorc, Chairman
Indian River Value Adjustment Board

By: Maria S. Suarez, Deputy
Deputy Clerk *CS*

Approved: August 11, 2014

VAB/ms