

(08-28-03)

**BRADFORD COUNTY
VALUE ADJUSTMENT BOARD
ORGANIZATIONAL MEETING
AUGUST 28, 2003 1:30 P.M.**

The 2003 Bradford County Value Adjustment Board met August 28, 2003 to conduct an organizational meeting. Attending were: County Commissioner John Cooper, County Commissioner John Wayne Hersey, County Commissioner T.J. Mann, County Attorney Terry Brown, Deputy Clerk Marlene Stafford, Property Appraiser Jimmy Alvarez and Chief Deputy Property Appraiser Al Coston. School Board Members Jessie Moore and Bobby Carter were absent.

(The hearing date for the 2003 Value Adjustment Board is October 1, 2003, beginning at 9:00 a.m.)

The meeting began at 1:43 p.m.

ELECT CHAIRMAN & VICE-CHAIRMAN:

Commissioner Cooper MOVED to nominate School Board Member Jessie Moore to serve as the 2003 Chairman for the Value Adjustment Board. **Commissioner Mann SECONDED** and the **MOTION CARRIED 3-0.**

Commissioner Mann MOVED to nominate School Board Member Bobby Carter to serve as the 2003 Vice-Chairman for the Value Adjustment Board. **Commissioner Cooper SECONDED** and the **MOTION CARRIED 3-0.**

DISCUSSION REGARDING CHAPTER 12D-10, FLORIDA ADMINISTRATIVE CODE, CREATING RULE 12D-10.0044: Mr. Alvarez summarized the history of the creation of Rule 12D-10.0044 and explained the meaning of the rule and what changes are being made.

Commissioner Cooper asked if the Board should adopt the procedures. Mr. Brown said that the Board should adopt the uniform procedures set forth in Rule 12D-10.0044, together with the specific hearing procedures included in the packet. Mr. Brown said that he would like one addition made to the hearing procedures, which would be as follows: "A written decision will be provided to the applicant within 20 days of the administrative hearing. The written decision will include the Findings of Fact and Conclusions of Law as required by state statute."

A. ADOPTION OF UNIFORM PROCEDURES FOR HEARINGS:

Commissioner Hersey MOVED to adopt the Uniform Procedures presented coming from Chapter 12D-10, Florida Administrative Code, specifically Rule 12D-10.0044. **Commissioner Mann SECONDED** and the **MOTION CARRIED 3-0.**

B. APPROVE MEANS BY WHICH TO NOTIFY PETITIONERS OF THE PROCEDURES FOR INFORMATION AND EVIDENCE EXCHANGE BETWEEN THE PETITIONER AND PROPERTY APPRAISER:

Ms. Stafford said that in preparing the notices for hearing sent to the petitioners, she would include a copy of Rule 12D-10.004, together with a copy of the hearing procedures and the Evidence List and Summary Exchange form.

There was brief discussion regarding the actual hearing dates and how they relate to the time constraints and the exchange of evidence.

Commissioner Hersey MOVED to approve the means by which to notify petitioners of the procedures for information and evidence exchange between the petitioner and property appraiser as presented. **Commissioner Mann SECONDED** and the **MOTION CARRIED 3-0.**

Mr. Brown requested another motion approving Bradford County's Value Adjustment Board Hearing Procedures set forth on pages 11 and 12 of the attachments, to include the addition of #8 as previously discussed. **Commissioner Cooper so MOVED; Commissioner Mann SECONDED** and the **MOTION CARRIED 3-0.**

Mr. Brown said that since there has been some discussion concerning what may cause a delay in making a decision on a given petition, he submits the following: If the Board was to determine that the valuation by the Property Appraiser could not be upheld but that there was not sufficient information available to formulate an alternative valuation, then the statute requires that it be remanded back to the Property Appraiser to come up with a different valuation.

After brief discussion, Mr. Alvarez said that he would commit that if the point is reached wherein the Board finds his valuation is not supportable based on the evidence presented and it is remanded back to him, he will work out a negotiated agreement between himself and the petitioner. If he did not think he could do that and was not committed to do that, he would simply ask the Board to make the decision.

OTHER BUSINESS: Mr. Alvarez said that a portion of the new procedure, together with existing law, Chapter 194, states that if the property appraiser requests information from a petitioner and they fail to provide that information prior to the hearing, they are precluded from using that information at the hearing. In most cases, such information may not be of a critical nature and may not change the opinion of value either way. However, if there were a situation where the information they provided was of a critical nature that the property appraiser should have known before, or that it is something that the property appraiser cannot rebut, without some additional time, then they may ask the Board not to consider that information if it was requested prior to the hearing and the petitioner failed to provide it.

After brief discussion, Mr. Brown said that he has instructed Ms. Stafford to include in the notice to the petitioner a statement explaining the deadline requirements for exchange of information and that failure to meet those requirements will result in the exclusion of the evidence.

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Commissioner Cooper asked if the same deadline requirements are implied when a petitioner presents information to the Board at the hearing that was not requested by the property appraiser prior to the hearing.

Mr. Brown indicated in the positive, but said that there is no mandatory exclusion language. Mr. Alvarez should send every petitioner a letter requesting all the information that they intend to present at the hearing. Mr. Alvarez said that is exactly what his office plans to do.

Commissioner Cooper requested that Mr. Brown, at the beginning of the October 1 hearings, instruct the Value Adjustment Board as to procedures, burden of proof and presumption of correctness. Mr. Brown said that he had planned on doing so today, but in the absence of the two school board members, he will do it the day of the hearings.

There being no further business, the meeting adjourned at 2:07 p.m.

These minutes typed by:

Marlene K. Stafford, Deputy Clerk