

Board of County Commissioners

Agenda Request

Date of Meeting: August 2, 2010

Date Submitted: July 23, 2010

To: Honorable Chairman and Members of the Board

From: Heather J. Encinosa, County Attorney

Subject: Request Board Consideration and Approval to Hire Counsel to Represent the Wakulla County Value Adjustment Board

Statement of Issue:

This agenda item requests Board consideration of hiring counsel to represent the Wakulla County Value Adjustment Board.

Background:

Section 194.015, Florida Statutes, creates and governs the Wakulla County Value Adjustment Board. This statute declares that the clerk of the County is the clerk to the VAB, but it requires that the VAB have private counsel who has practiced law for more than 5 years and who does not represent the property appraiser, the tax collector, any taxing authority, or any property owner in any review of property taxes. Due to this provision, the County Attorney cannot represent the VAB and outside counsel needs to be retained for the VAB. Additionally, in accordance with Department of Revenue rules, all VAB attorneys must complete DOR's Value Adjustment Board training.

Analysis:

In Section 9 of the County Attorney's Agreement with the County, the County Attorney has the ability to identify outside counsel which is specialized in a particular area of the law. The County Attorney identified a qualified, local attorney, Mr. William H. Webster, who is certified by DOR as a value adjustment board attorney. It should be noted that as of July 23, 2010, there were no other attorneys in Wakulla County with proper certification. Mr. Webster submitted a proposal for VAB legal services which sets forth fees in the amount of \$175.00 per hour. In accordance with Section 194.015, Florida Statutes, the County is responsible for 3/5ths of the VAB's expenses and the School Board is responsible for 2/5ths of said expenses.

The VAB has final appointment authority as to its attorney, but because the VAB cannot even meet without an attorney present, it is necessary for the Board to engage counsel initially and recommend that the VAB appoint that counsel at their first meeting.

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Options

1. Approve Mr. William H. Webster to provide legal services to VAB under the terms outlined in his proposal and recommend that the VAB accept his appointment as VAB attorney.
2. Do not approve Mr. William H. Webster to provide legal services to VAB under the terms outlined in his proposal.
3. Board Direction.

Recommendation

Option #1

Attachments:

1. William H. Webster's letter proposal.