

2023 VALUE ADJUSTMENT BOARD
Minutes of the March Monthly VAB Meeting

Thursday, March 14th, 2024
9:00 AM, Council Chambers
1st Floor, City Hall (St. James)

Council Member Will Lahnen, Chair
Council Member Rahman Johnson, **Excused**
Council Member Joe Carlucci, Alternate, **Excused**
School Board Member Lori Hershey
Council Appointed Citizen Member Shirley Dasher
School Board Appointed Citizen Member Dominic Cummings

In Attendance:

Joyce Morgan, Property Appraiser
Margaret M. “Peggy” Sidman, Value Adjustment Board Clerk
Heather Pelegrin, Assistant Chief Legislative Services – VAB
Jonathan Griffis, Value Adjustment Board Staff
Alexis Zellner, Value Adjustment Board Staff
Steven Libby, Legislative Assistant
William H. Jeter, Jr., Value Adjustment Board Attorney
Jamey Crozier, Executive Council Assistant, Council Member Lahnen
Tiffany Pinkstaff, Counsel to the Property Appraiser
Keith Hicks, Chief Appraiser, PAO
Harry Guetherman, Commercial Division Chief, PAO
Jim Ogburn, Residential Division Chief, PAO
Laura Winter, Customer Service Division Chief, PAO
Sage Sullivan, TPP Division Chief, PAO

Chair Lahnen called the meeting to order at 9:00 AM

1. Introduction of Board and staff.
2. Chair Lahnen stated the next item on the agenda was to approve the meeting minutes from the 2023 VAB Board Meeting held on February 15, 2024. **Board Member Hershey made a motion to approve the minutes. The motion was seconded by Board Member Dasher. The Board Approved 4–0.**
3. Public Comments:
 - There were no public comments.
4. Deferral requests from Petitioners: none received
5. Deferral requests from the Property Appraiser’s Office.
 - VAB # 2023-000268 – Nathan Mandler, Esq., Agent for Petitioner
 - VAB # 2023-000299 – Nathan Mendler, Esq., Agent for Petitioner
 - VAB # 2023-000317 – Nathan Mendler, Esq., Agent for Petitioner

Tiffany Pinkstaff, Office of the General Counsel, spoke on the deferrals. The reason for the deferral is an ongoing dispute regarding which year's millage rate to apply to calculate these properties' taxes. The Property Appraiser sets property values as of January 1st in a given year, and at that date, the millage rate of that year has not yet been certified, so the Property Appraiser uses the millage rate of the previous year to calculate property taxes. The petitioners argue that the millage rate from the 2023 year should be applied against standard operating procedure, and Special Magistrate Austin Hollis ruled in the petitioners' favor despite the Property Appraiser's Office's contention that the 2022 millage rate is the correct millage rate to calculate property taxes. Ms. Pinkstaff noted that the Special Magistrate's decisions did not cite existing law to clarify why the 2023 and not 2022 millage rate should apply, and she stated that this Special Magistrate had shown inconsistency in applying the millage rate across different petitions (in 12 cases, it was decided that the 2023 rate applies, whereas in 5 cases it was decided that the 2022 rate applies). Ms. Pinkstaff explained that the Property Appraiser's Office was requesting deferral so that the parties could prepare written arguments explaining their positions for the VAB to consider before making a final decision.

Chair Lahnen asked William H. Jeter, Jr., Value Adjustment Board Attorney, what the timeline for these challenges would look like if the VAB approved their deferral. Mr. Jeter stated that he agreed with the decision to defer. He described that the Property Appraiser's Office would be given six days to prepare its written argument for submission, the petitioner would be given the same timeframe to submit a written response to the Property Appraiser's Office, and then Mr. Jeter would review the parties' arguments and distribute a summary and recommendation to the VAB before the next meeting, which will be held April 11th. The VAB would then hear any public comment on these disputes, at which point the VAB would make its decision on each dispute. Mr. Jeter stated that the VAB could vote to approve the Special Magistrate's ruling or could vote to remand the cases back to the Special Magistrate with instructions for how to proceed. He clarified that these were not the only two options of the Board but were two likely options for the Board to consider. **Board Member Dasher moved to defer Petitions VAB # 2023-000268, VAB # 2023-000299, and VAB # 2023-000317. This motion was seconded by Board Member Hershey. The Board approved the deferrals 4-0.**

6. Consider the recommended decisions listed on the three-page excel spreadsheet for the 2023 March 14, 2024, VAB Meeting (48 denial, 1 approval). **Board Member Dasher made a motion to Approve all the recommended decisions on the excel spreadsheet. The motion was seconded by Board Member Hershey. The Board Approved 4-0.**
7. William Jeter, VAB Attorney, asked whether the Board would prefer to be updated with correspondence from the deferred petitions as they are submitted or whether they would prefer to be updated with a complete package of submissions and recommendation before the next meeting. Chair Lahnen answered that he would prefer the complete collection of materials once they are ready for review.
8. Chair Lahnen explained the schedule for the next several meetings, noting that the last scheduled meeting was scheduled for May. William Jeter noted that the VAB schedule is extended to December 1st if the VAB receives a 10% or greater increase in petitions from the previous year. The increase in petitions exceeded this threshold, so he stated that it is likely that the VAB would be meeting beyond May.

Announce date and location of next 2023 VAB meeting: Thursday, April 11, 2024, at 9:00 AM
1st Floor, City Hall, Council Chambers

Meeting was adjourned at 9:17 AM.