

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: August 14, 2018

<input checked="" type="checkbox"/> (x)	Consent	<input type="checkbox"/> ()	Regular
<input type="checkbox"/> ()	Ordinance	<input type="checkbox"/> ()	Public Hearing

Department: Clerk & Comptroller

Advisory Board: Value Adjustment Board

I. EXECUTIVE BRIEF

Motion and Title:

Staff recommends motion to approve: appointment of the following individual to replace one (1) of the Citizen Members on the Value Adjustment Board (VAB), effective August 14, 2018:

Nominee:

Josh Smith

Nominated By:

Commissioner Dave Kerner

Summary:

Per Chapter 194.015, F.S., Laws of Florida, the BCC must appoint a citizen member of the VAB who owns homestead property in Palm Beach County. The appointed citizen member may not be a member or an employee of any taxing authority and may not represent a property owner in any administrative or judicial review of property taxes. Currently, the VAB is made up five (5) members: two (2) County Commissioners; one (1) School Board member, and two (2) citizen members. The School Board is also required to appoint a citizen member who owns a business that occupies commercial space located within the School district of Palm Beach County. This person must, during the entire course of service, own a commercial enterprise, occupation, profession, or trade conducted from a commercial space located within the school district and need not be the sole owner.

Background and Justification:

The purpose of the Value Adjustment Board (VAB) is to hear appeals regarding property value assessments, denied exemptions or classifications, ad valorem tax deferrals, portability decisions, and change of ownership or control. The VAB is authorized to appoint special magistrates for the purpose of conducting hearings, taking testimony and making recommendations to the board regarding petitions filed before the board.

Attachments:

1. Board Appointment Nominee Information Form
2. Chapter 194.015, F.S.; 12D-9.004, Florida Administrative Code (F.A.C.)
3. Resignation of citizen member Scott Johnston (homestead property owner)

Recommended by: Stephen I Weiss, Director – Finance Services Date 7-27-18

Approved by: N/A
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. FIVE YEAR SUMMARY OF FISCAL IMPACT:

Fiscal years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
No. additional FTE positions (Cumulative)	_____	_____	_____	_____	_____

Is item included in current Budget? Yes _____ No _____

Does this item include the use of Federal Funds? Yes _____ No _____

Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____

Revenue Source _____

B. RECOMMENDED SOURCES OF FUNDS/SUMMARY OF FISCAL IMPACT: **No Fiscal Impact.**

C. DEPARTMENTAL FISCAL REVIEW: _____

III. REVIEW COMMENTS

- A. OFMB FISCAL AND/OR CONTRACT DEV. AND CONTROL COMMENTS:
Based on the information provided, the Tax Collector has the appropriate procedures and internal controls in place to assure accuracy of this report.

OFMB

Contract Dev. and Control

B. LEGAL SUFFICIENCY:

Assistant County Attorney

C. Other Department Review:

Department Director

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please COMPLETE SECTION II IN FULL. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Value Adjustment Board Advisory ☐ Not Advisory ☐

☐ At Large Appointment or ☐ District Appointment / District #: _____

Term of Appointment: _____ Years. From: _____ To: _____

Seat Requirement: Homestead Property Owner Seat #: 4

☐ *Reappointment or ☐ New Appointment

or ☐ to complete the term of _____ Due to: ☐ resignation ☐ other

Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Smith Joshua Kurt
Last First Middle

Occupation/Affiliation: Physician
Owner ☒ Employee ☐ Officer ☐

Business Name: The Medical Group of South Florida, Inc

Business Address: 1094 Military Trail

City & State: Jupiter, FL Zip Code: 33458

Residence Address: 14063 Port Circle

City & State: Palm Beach Gardens, FL Zip Code: 33410

Home Phone: () Business Phone: () Ext. _____

Cell Phone: (561)-801-2642 Fax: (561)-244-9515

Email Address: _____

Mailing Address Preference: ☐ Business ☒ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR

NONE



NOT APPLICABLE/
(Governmental Entity)



ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):



By watching the training program on the Web, DVD or VHS on 07/26 2018

By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: _____ Printed Name: Joshua Smith Date: 07/26/2018

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:

{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: _____ Date: 07/27/18

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 02/01/2016



THE MEDICAL GROUP
OF SOUTH FLORIDA, INC.

JOSHUA SMITH, DC

1094 Military Trail
Jupiter, Florida 33458

Phone: 561-622-6111 | Fax: 561-244-9515
drsmith@mgsl.com

EDUCATION:

- Licensure – Doctor of Chiropractic *Completion June 2000*
Life University
Marietta, Georgia
Florida License Number: CH8143

EMPLOYMENT:

- Radiant Medical Group, Jupiter, FL November 2017 to Present
- Medical Group of South Florida, Jupiter, FL July 2000 to Present

Memberships:

- American Chiropractic Association
- Florida Chiropractic Association

References:

- Avishai Mendelson, M.D., Internal Medicine
1094 Military Trail
Jupiter, FL 33458
561-622-6111
- Raj Bansal, M.D., Internal Medicine
875 North Military Trail Suite 200 Jupiter, FL 33458
561-746-2411
- Seth Steinberg, M.D., Gastroenterology
5401 South Congress Avenue Suite 211 Lake Worth, FL 33462
561-964-8221

The 2018 Florida Statutes

194.015 Value adjustment board.—There is hereby created a value adjustment board for each county, which shall consist of two members of the governing body of the county as elected from the membership of the board of said governing body, one of whom shall be elected chairperson, and one member of the school board as elected from the membership of the school board, and two citizen members, one of whom shall be appointed by the governing body of the county and must own homestead property within the county and one of whom must be appointed by the school board and must own a business occupying commercial space located within the school district. A citizen member may not be a member or an employee of any taxing authority, and may not be a person who represents property owners in any administrative or judicial review of property taxes. The members of the board may be temporarily replaced by other members of the respective boards on appointment by their respective chairpersons. Any three members shall constitute a quorum of the board, except that each quorum must include at least one member of said governing board, at least one member of the school board, and at least one citizen member and no meeting of the board shall take place unless a quorum is present. Members of the board may receive such per diem compensation as is allowed by law for state employees if both bodies elect to allow such compensation. The clerk of the governing body of the county shall be the clerk of the value adjustment board. The board shall appoint private counsel who has practiced law for over 5 years and who shall receive such compensation as may be established by the board. The private counsel may not represent the property appraiser, the tax collector, any taxing authority, or any property owner in any administrative or judicial review of property taxes. No meeting of the board shall take place unless counsel to the board is present. Two-fifths of the expenses of the board shall be borne by the district school board and three-fifths by the district county commission.

History.—s. 2, ch. 69-140; s. 1, ch. 69-300; s. 26, ch. 70-243; s. 22, ch. 73-172; s. 5, ch. 74-234; s. 1, ch. 75-77; s. 6, ch. 76-133; s. 2, ch. 76-234; s. 1, ch. 77-69; s. 145, ch. 91-112; s. 978, ch. 95-147; s. 4, ch. 2008-197.

12D-9.004 Composition of the Value Adjustment Board.

(1) Every county shall have a value adjustment board which consists of:

(a) Two members of the governing body of the county, elected by the governing body from among its members, one of whom shall be elected as the chair of the value adjustment board;

(b) One member of the school board of the county, elected by the school board from among its members; and,

(c) Two citizen members:

1. One who owns homestead property in the county appointed by the county's governing body,

2. One who owns a business that occupies commercial space located within the school district appointed by the school board of the county. This person must, during the entire course of service, own a commercial enterprise, occupation, profession, or trade conducted from a commercial space located within the school district and need not be the sole owner.

3. Citizen members must not be:

a. A member or employee of any taxing authority in this state,

b. A person who represents property owners, property appraisers, tax collectors, or taxing authorities in any administrative or judicial review of property taxes.

4. Citizen members shall be appointed in a manner to avoid conflicts of interest or the appearance of conflicts of interest.

(2)(a) Each elected member of the value adjustment board shall serve on the board until he or she is replaced by a successor elected by his or her respective governing body or school board or is no longer a member of the governing body or school board of the county.

(b) When an elected member of the value adjustment board ceases being a member of the governing body or school board whom he or she represents, that governing body or school board must elect a replacement.

(c) When the citizen member of the value adjustment board appointed by the governing body of the county is no longer an owner of homestead property within the county, the governing body must appoint a replacement.

(d) When the citizen member appointed by the school board is no longer an owner of a business occupying commercial space located within the school district, the school board must appoint a replacement.

(3)(a) At the same time that it selects a primary member of the value adjustment board, the governing body or school board may select an alternate to serve in place of the primary member as needed. The method for selecting alternates is the same as that for selecting the primary members.

(b) At any time during the value adjustment board process the chair of the county governing body or the chair of the school board may appoint a temporary replacement for its elected member of the value adjustment board or for a citizen member it has appointed to serve on the value adjustment board.

(4)(a) To have a quorum of the value adjustment board, the members of the board who are present must include at least:

1. One member of the governing body of the county,

2. One member of the school board; and,

3. One of the two citizen members.

(b) The quorum requirements of Section 194.015, F.S., may not be waived by anyone, including the petitioner.

(5) The value adjustment board cannot hold its organizational meeting until all members of the board are appointed, even if the number and type of members appointed are sufficient to constitute a quorum. If board legal counsel has not been previously appointed for that year, such appointment must be the first order of business.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015 FS. History—New 3-30-10, Amended 9-19-17.

Madison, Gloria

From: Scott Johnston <scottshomes@gmail.com>
Sent: Saturday, July 14, 2018 10:02 AM
To: Clark, Ann
Cc: Abrams, Steven; Ackerman-White, Danna; Barbieri, Frank; Barbieri, Frank; Bonavita, Lucia; Joyce Edison (joyce.edison@palmbeachschools.org); Kerner, David; Maria Baez; Nancy Villarreal; Norem, Stormet; Scott, Kate; Tuzzolino, Dana; Whitfield, Erica; Bradley, Pat; FDO-ESS-Support, FDO-ESS-Support; Dye, Brenda; Elizabeth Lind; Georgette Bonifacio-Wagner; HEIDI JUHL (heidi@juhlesq.com); Jacques, Lucy; Juhl, Heidi; Larvin, Janel L; Lawrence, Theresa M; Lugar, Susan; Madison, Gloria; Maniotis, Dino; Marsh, Pamela; Naugle, Michael; Phares, Sajini; Quatro, Sheila; Sarmiento, Gretel; Ticeran, Maria del Carmen; Weiss, Stephen I; Witmer, Elizabeth
Subject: Re: VAB meetings

Hello Ann:

I hereby tender my resignation from the VAB with immediate effect. I find that my business obligations will restrict my availability for future board meetings.

It has been my honor and pleasure to serve on the board over these many years, as well as to work with you and the entire staff. I wish you all the very best.

Very truly yours,

Scott Johnston

On Fri, Jul 6, 2018 at 9:38 AM, Clark, Ann <Aclark@mypalmbeachclerk.com> wrote:

This is to confirm that the Value Adjustment Board will be meeting on the following dates in the Palm Beach County Governmental Center, Jane Thompson Memorial Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, FL.

8-14-18 @ 8:30 a.m. (Organizational meeting)

10-9-18 @ 9:30 a.m. (Initial Certification meeting)

Ann Clark
Financial Coordinator
Board Services