BOARD OF TAX APPEALS

ORGANIZATIONAL MEETING

SEPTEMBER 3, 2020

Members Present: Alan Bjerke, Andrew Champagne, Joseph Magee

Members Absent: Peter Deng, Jamilah Jadallah

Staff Present: Assistant City Attorney Richard Haesler, Assistant City Attorney Joy Hovestadt, City Assessor John Vickery

Clerk: Lori Olberg

Minutes: Sue Trainor

Haesler advised that the Board could move forward with three members in attendance as the Board currently consisted of five members and two vacant positions. Haesler then informed the members that Hovestadt would serve as legal counsel for the Board in the future.

Olberg called the meeting to order at 12:10 p.m.

Agenda: Bjerke made a motion, seconded by Champagne, to adopt the agenda. The motion passed unanimously.

Elections:

Chair: Champagne nominated Alan Bjerke to be Chair, seconded by Magee. The motion passed unanimously.

Vice Chair: Bjerke nominated Joe Magee to be Vice Chair, seconded by Champagne. The motion passed unanimously.

Clerk: Bjerke nominated Olberg to be Clerk, seconded by Champagne. The motion passed unanimously.

Rules:

Hearing Procedures: Haesler informed the Board that Hovestadt had been oriented to the applicable sections of the Code and would be available to the Board as needed. Haesler noted that panels should include at least three Board members. Haesler reminded the Board members that if they failed to participate in a site visit they must recuse themselves from the decision-making process. Coordination of the group was important during the process of evidence gathering.

Vickery was asked if any subpoenas had been issued. Vickery explained they would be asking for the information first and if nothing was forthcoming they would then subpoena the information. He thought it set a better tone and would have a better outcome. There was a possibility that this could push a hearing out a number of weeks. Vickery then asked that the Board members review the list of the three appeals to ensure the members had no conflict of interest.

Bjerke asked if members would be able to vote on an appeal case electronically or would they have to convene another Zoom meeting. Haesler explained that, as in the past, a member of the Board could write the decision, circulate it to Board members, have it signed, and submit it to Olberg. The only reason a meeting would be necessary would be if a Board member raised concerns that the decision was not consistent with what the Board had deliberated. In that situation, for a deliberative meeting, the City Attorney would need to be consulted on how to structure the meeting.

Approval of Forms: Notice of Hearing, Educational Brochure, Authority of Representation, Waiver of Site Visit, Official Notice of Decision: Magee made a motion to approve the forms, seconded by Champagne. The motion passed unanimously.

Scheduling of Hearings:

List of Appellants; Selection of Panels, Selection of Dates, Times: Bjerke stated the three appellants were: 316 Flynn LLC, Lakeview LLC, and Fortieth Burlington, LLC. Bjerke asked Vickery if it would be practical to have one meeting to deal with the three entities. Vickery said they were represented by the same attorney so it would be fine to do so. Vickery's office would be asking for further information from the appellants. If information was not forthcoming they would subpoena the information. Following that, the Board could schedule a hearing. The Assessor's Office would have the information to the Board a week prior to the meeting.

Bjerke confirmed that the date a decision needed to be made was December 31st. Vickery anticipated being able to hold the first meeting at the end of October. Bjerke asked the two Board members if they had a conflict of interest with these appellants and it was determined they did not have any financial conflict of interest. Bjerke suggested deferring until early October to set hearing dates. Olberg stated she would contact Liam to determine his availability in October. There was discussion about the possibility of holding meetings in early October. All three Board members stated they would be able to hold a hearing during the day.

Other Business: There was no other business.

Adjournment: Champagne made a motion, seconded by Magee, to adjourn the meeting at 12:40 p.m.