

Pensacola Beach Advocates Minutes Annual Meeting, October 21, 2009

The Annual Meeting of the Pensacola Beach Advocates was called to order at 6:07 PM. There were over 150 people in attendance including members and guests.

Lila Cox, who is a member of the liaison committee for the tax law suit, introduced **Attorney Danny Kepner** with Shell, Fleming, Davis and Menge for an **update on the residential tax litigation**. Mr. Kepner explained that the difference between the Navarre Beach and the Pensacola Beach law suits is the terms of the lease. There were three law suits on Pensacola Beach that have been heard and ruled upon by the Trial Court and affirmed by the Appellate Court. The commercial leaseholders, Portofino and American Fidelity residential leaseholds were not successful in these cases. The law suit involving most of the residential leases on the Pensacola Beach was argued by Danny Kepner on May 2, 2008 before Judge Michael Jones, who has not yet ruled on the case. A new law suit will be filed in December for the 2009 tax year. There will be an opportunity for new parties to join for the new tax year.

A couple of changes to the law have occurred since the case was heard in May, 2008:

1. In the past, if the assessment of the property was challenged, the amount of the assessment was given a presumption of correctness and the challenger was required to prove his/her case. That is no longer the case due to a change in the Florida Statute. It is now a more level playing field. It is Mr. Kepner's understanding that Portofino's challenge of the amount of the taxes is still ongoing. (He does not represent Portofino.)
2. The Property Appraiser, Chris Jones, has challenged the constitutionality of the tax law under which he operates. The Florida Supreme Court has ruled that the Property Appraiser cannot challenge the constitutionality of the law, since the Property Appraiser has taken an oath to uphold the law.

Mr. Kepner entertained questions. He responded that if a plaintiff is already in the law suit, that it is not necessary to sign up again for the 2009 tax year. The question was asked about payment of taxes in advance of the ruling. Mr. Kepner said that if one chooses to pay the prior years taxes, the interest rate would be 18% since the taxes would be considered delinquent. However, if the taxes are not paid until ordered by the Court, the interest rate would be 12%. Paying taxes does not harm the law suit overall. There is no law that requires the taxes to be refunded if the Property Appraiser and Tax Collector lose the case. However, County Attorney Allison Rogers has told Mr. Kepner that the county portion of the property taxes already paid are being held in Escrow.

Mr. Kepner is also represented Navarre Beach leaseholders in the suit against taxation of the land. He hopes to have a hearing before Judge Bergosh in Santa Rosa County sometime early next year.

Lila Cox announced that the liaison committee maintains a web site with occasional updates at www.pbeachtaxsuit.com and questions concerning the case can be emailed to an address available on that site. The outcome of this case will also be reported at www.PBAdvocates.org. Both will be updated as soon as possible after the meeting.

PBA President Jim Cox introduced **Rick Finch**, Grover Robinson's appointee to the **Escambia County Consolidation Committee**. Mr. Finch told how the idea of Consolidation came about. The group Pensacola Young Professionals questioned what it would take to create opportunities in order to prevent young professionals from leaving the area. They looked outside of the area for examples of what has been done, and determined that many years ago Jacksonville was in about the same situation as Pensacola. Since consolidation of Duval county and city of Jacksonville, the population has grown and it has become a major urban area in the state of Florida. There are considerable monetary benefits to consolidation. In order to study the issue, the cities of Century and Pensacola and Escambia County needed to agree to request the Florida Legislature pass an Act to approve the establishment of a study committee which the Legislature did. Judge Kenneth Bell is the Chairman of the committee. A Consolidation Plan must be presented to the Legislature by January 15. Rick Finch is the Chairman of a subcommittee that is in charge of Roads, Recreation, Utilities, and Authorities. Of particular concern to Pensacola Beach is the future of the SRIA in a consolidated government. Mr. Finch said that at this time the consensus of his committee is to "Leave the SRIA alone".

Board Member **Darell McIntyre** gave a summary of **Pensacola Beach Advocate's First Year**. He said that property tax litigation showed the need for a citizen's group to be proactive, not reactive. Taxation and other issues that affect the Beach eventually led to the formation of PBA. Some of the accomplishments of PBA in the past year include:

- Meetings were held with each SRIA Board Members and County Commissioner, as well as State Representative Dave Murzin to introduce PBA.
- PBA has been involved with the SRIA on the issue of Master Planning for Pensacola Beach. In March, PBA distributed a survey to get input from leaseholders and others with an interest in the future of the Beach. PBA has a representative on the Steering Committee for the Master Plan and helped circulate notice of the upcoming public forum.
- PBA worked with the SRIA to get a pilot recycling effort at Casino Beach and partnered with the Pensacola Beach Chamber to sell aluminum bottles, during the Taste of the Beach, to promote environmentally friendly water containers.

The work of PBA is primarily done through committee. Members are encouraged to get involved with Governmental Affairs, Environmental Advocacy or Membership and Communications committees.

Jim Cox spoke about the planning process for the **Core Development of Pensacola Beach**. Jim explained that the Steering Committee is made up of a diverse group including beach residents, developers, beach business owners and representatives from the mainland with no interests on the Beach. Having a diverse Steering Committee should give credibility to what is presented to the County Commissioners. Jim is PBA's representative. Jim announced that there will be the first of three Public Meetings to get input from the Beach Community next Wednesday, October 28, 6 PM, at the Beach Church Fellowship Hall. At that meeting, the views of PBA will be presented. The PBA will conduct additional surveys in the future to poll its members.

Administrative Matters

It was established that a quorum was present for the annual meeting. Directors Darell McIntyre, Jim Cox, Scott Holland, and Max Scoggins agreed to serve for the next year. Sally Chamberlain declined. Ray Ascherfeld was nominated to replace Sally. There being no other candidates for the board, a vote was taken to elect the 5 directors. Membership dues run from annual meeting to annual meeting. A vote to keep the annual dues at \$30.00 passed. A date for the next Annual Meeting is scheduled for October 20, 2010.

The meeting **adjourned** at 7:06 PM

Respectfully Submitted,

Sandi Johnson, Secretary, Pensacola Beach Advocates