

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**BOARD APPOINTMENT SUMMARY**

**Meeting Date:** February 27, 2007

**Department:** County Administration

**Advisory Board:** Health Facilities Authority

**I. EXECUTIVE BRIEF**

**Motion/Title:** Staff recommends motion to approve: appointment of two (2) individuals to the Health Facilities Authority, effective February 27, 2007:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term Expiration</u>	<u>Nominated by:</u>
Peter Baronoff	2	Resident of PBC	April 30, 2009	Comm. McCarty
Timothy Monaghan	3	Resident of PBC	April 30, 2008	Comm. Koons

**Summary:** Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated January 10, 2007, was circulated to the BCC notifying the BCC that there are currently three (3) vacancies on the Health Facilities Authority. Mr. Baronoff has been nominated to replace Elliott Guttman, who resigned, effective January 1, 2007. Mr. Monaghan has been nominated to replace Carla Bryan, who resigned, effective February 27, 2007. Countywide (TKF)

**Background and Justification:** The Health Facilities Authority was created to assist health facilities in acquisition, construction, financing, and refinancing of projects.

**Attachments:**

1. Board Appointment Information Forms
2. Memo dated January 10, 2007 requesting nominations
3. Current List of Board Members
4. Florida Statutes 154.207
5. Resolution Nos. R77-379, R77-398 & R92-563

**Recommended by:** Patty Andle 2/13/07  
 Agenda Coordinator Date

**Legal Sufficiency:** [Signature] 2/15/07  
 Assistant County Attorney Date

**II. REVIEW COMMENTS**

**A. Other Department Review:**

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**Department Director**



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSION  
BOARD APPOINTMENT INFORMATION FOR**

**Part I:**

Board Name: Health Facilities Authority

At Large Appointment or  District Appointment

Term of Appointment: 4 years. From 2/27/07 To 4/30/09

Seat Requirement: Resident of Palm Beach County Seat 23

(Please describe education and/or experience that qualifies the nomination under the seat requirement).

\*\*Reappointment or  New Appointment

or  to complete the term of  
due to:  resignation  other  
completion of term to expire on:

**Part II: APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Timothy E. Monaghan

Occupation/ Attorney / Partner

Business Name: Strawn, Monaghan & Cohen, P.A.

Business Address: \_\_\_\_\_

City & State: Delray Beach, FL Zip Code: \_\_\_\_\_

Residence Address: 404 North west 18<sup>th</sup> Street

City & State: Delray Beach, FL Zip Code: 33444

Home Phone: (561) 274-8872 Business Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: TMonaghan@smclawfirm.com

**Mailing Address preference:**  Business Address  Residence Other or  Other:

**Minority Identification Code:**

IF (American Indian Female)

IM (American Indian Male)

AF (Asian Female)

AM (Asian Male)

BF (Black Female)

BM (Black Male)

HF (Hispanic Female)

HM (Hispanic Male)

WF (White Female)

WM (White Male)

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

\*When a person is being considered for re-appointment, the number and nature of previously

disclosed voting conflicts shall be considered by the Board of County Commissioners.

\_\_ Number of previously disclosed voting conflicts.

Signature

Date: (Signature) brdapptinfo.2001.wpd

1/29/07



**INTEROFFICE MEMORANDUM  
ADMINISTRATION**

**County Administration**

P.O. Box 1989  
West Palm Beach, FL 33402-1989  
(561) 355-2030  
FAX: (561) 355-2030  
www.pbcgov.com




**Palm Beach County  
Board of County  
Commissioners**

Addie L. Greene, Chairperson  
Jeff Koons, Vice Chair  
Karen T. Marcus  
Warren H. Newell  
Mary McCarty  
Burt Aaronson  
Jess R. Santamaria

**County Administrator**

Robert Weisman

**DATE:** January 10, 2007  
**TO:** Commissioner Addie L. Greene, Chairperson and  
Members of the Board of County Commissioners  
**FROM:** Sandra Smith  
Executive Assistant   
**RE:** NOMINATIONS FOR HEALTH FACILITIES AUTHORITY  
REVISED

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Nominations are needed for Seat Numbers 2, 3 and 5 on the Health Facilities Authority to complete the term of the following members, Elliott S. Guttman (Seat No. 2), Carla S. Bryant (Seat No. 3), and Jeanette McGill Corbett (Seat No. 3) who have resigned.

The positions of the Health Facilities Authority require the members to be residents of Palm Beach County and the function of the board is to assist health facilities in the acquisition, construction, financing and refinancing of projects.

The term of Seat No. 2 will complete a term of four (4) years which will expire on April 30, 2009, and Seat No. 3 will also complete a term of four (4) years which will expire on April 30, 2008. Since the term of Seat No. 5 will expire on April 20, 2007, the term of Seat No. 5 will complete a term of four (4) years with an additional four (4) year term which will expire on April 20, 2011.

I would like to prepare an agenda item for your consideration for the February 27, 2007 Board of County Commissioner meeting. Please provide your nominations to me on the board appointment information forms I have provided by January 24, 2007. If you have any questions, you may contact me at 355-2034.

**Attachments**

c/memo: John Flanigan, Esquire; Moyle, Flanigan, Katz, Fitzgerald Sheehan, P.A.

*"An Equal Opportunity  
Affirmative Action Employer"*

**I. AUTHORITY:**

Chapter 74-323, Laws of Florida; Chapter 154, Florida Statutes Part III; Resolution No. R-77-379, adopted April 12, 1977; and Resolution No. R-77-398, amended by Resolution No. R-92-563.

**II. APPOINTING AUTHORITY:**

Board of County Commissioners (BCC)

**III. COMPOSITION, QUALIFICATIONS, TERMS AND REMOVAL:**

This Authority shall be composed of five (5) members appointed at-large to serve staggered terms of one (1), two (2), three (3) and two (2) four (4) year appointments. After initial appointments, all terms shall be for four (4) years. All terms shall expire in April.

**IV. MEETINGS:**

Annual meetings are held the first Tuesday in April or May and other meetings are held as needed. The time of the meetings usually start at 4:00 p.m. The location of the meetings are at John Flanigan's Office, 625 N. Flagler Drive, West Palm Beach, FL 33401.

**V. FUNCTIONS:**

To assist health facilities in acquisition, construction, financing, and refinancing of projects; currently working on Health Center at Haverhill Road.

**VI. CONTACT PERSON:**

John Flanigan, Esq.  
Moyle, Flanigan, Katz, Fitzgerald & Sheehan, PA  
9th Floor, Barnett Centre  
625 N. Flagler Drive  
West Palm Beach, FL 33401  
(561) 659-7500

**VII. CONTACT DEPARTMENT:**

County Administration  
355-3229

HEALTH FACILITIES AUTHORITY  
ADVISORY BOARD MEMBERS

<u>SEAT ID</u>	<u>CURRENT MEMBER</u>	<u>RACE CODE</u>	<u>BUSINESS/ HOME PHONE</u>	<u>REQUIREMENT</u>	<u>APPOINT DATE</u>	<u>EXPIRE DATE</u>
<b>APPOINTED BY: At Large</b>						
1	Dr. Gerald Robinson Surgical Associates of PBC 670 Glades Rd., Ste. 300 Boca Raton, FL 33431	WM	(561) 395-2626 ( ) -	No special requirement	05/01/2006	04/30/2010
2	Vacant  , FL	UN	( ) ( )	No special requirement	//	04/30/2009
3	Carla S. Bryant Paradigm Shift 2000 Presidential Way, Apt. 16 West Palm Beach, FL 33401	BF	(561) 686-6357 (561) 686-6357	No special requirement	04/30/2004	04/30/2008
4	Richard L. Van Eldik, M.D. 208 Palm Circle Atlantis, FL 33462	WM	( ) - (561) 585-9444	No special requirement	04/30/2003	04/30/2007
5	Vacant  , FL	UN	( ) ( )	No special requirement	//	04/30/2007

Select Year:  

## The 2006 Florida Statutes

[Title XI](#)  
COUNTY ORGANIZATION AND INTERGOVERNMENTAL  
RELATIONS

[Chapter 154](#)  
PUBLIC HEALTH  
FACILITIES

[View Entire  
Chapter](#)

### 154.207 Creation of health facilities authorities.--

(1) In each local agency there may be created a public body corporate and politic to be known as the "(name of local agency) Health Facilities Authority." Each of said authorities shall be constituted as a public instrumentality, and the exercise by an authority of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Each of said authorities shall not transact any business or exercise any power hereunder until and unless the governing body of the local agency by proper ordinance or resolution shall declare that there is a need for an authority to function in such local agency. The determination as to whether there is such need for an authority to function:

(a) May be made by the governing body on its own motion.

(b) May be made by the governing body upon the filing of a petition signed by 25 residents of the local agency asserting that there is need for an authority to function in such local agency and requesting that the governing body so declare.

(2) The governing body may abolish the authority at any time by ordinance or resolution. However, the authority shall not be abolished until such time as all bonded indebtedness incurred pursuant to this part has been paid.

(3) In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder by adoption of an ordinance or resolution by the governing body declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the local agency. A copy of such ordinance or resolution duly certified by the clerk shall be admissible in evidence in any suit, action, or proceeding.

(4) The governing body of the local agency shall designate five persons who are residents of the local agency as members of the authority created for said local agency. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, and two for 4 years; in each case until a successor is appointed and has qualified. Thereafter the governing body shall appoint, for terms of 4 years each, a member or members to succeed those whose terms expire. The governing body shall fill any vacancy for an unexpired term. A member of the authority shall be eligible for reappointment. Any member of the authority may be removed by the governing body for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority, before entering upon his or her duties, shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Department of State and with the clerk.



(5) The authority shall annually elect one of its members as chair and one as vice chair.

(6) The authority shall keep a record of its proceedings and shall be custodian of all books, documents, and papers filed with it and of its minute book or journal and official seal. The authority shall cause copies to be made of all its minutes and other records and documents and shall give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with it may rely upon such certificates.

(7) Three members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority shall be necessary for any action taken by an authority. However, any action may be taken by the authority with the unanimous consent of all of its members. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of this part may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with s. 286.011.

(8) The members of the authority shall receive no compensation for the performance of their duties hereunder, but each member shall be paid his or her necessary expenses incurred while engaged in the performance of such duties pursuant to s. 112.061.

(9) Any general or special law, rule or regulation, or ordinance of any local agency to the contrary notwithstanding, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or receives income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

**History.**--s. 4, ch. 74-323; s. 871, ch. 95-147.

Select Year: 2006 

## The 2006 Florida Statutes

[Title XI](#)  
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RELATIONS

[Chapter 154](#)  
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### 154.207 Creation of health facilities authorities.--

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(a) May be made by the governing body on its own motion.

(b) May be made by the governing body upon the filing of a petition signed by 25 residents of the local agency asserting that there is need for an authority to function in such local agency and requesting that the governing body so declare.

(2) The governing body may abolish the authority at any time by ordinance or resolution. However, the authority shall not be abolished until such time as all bonded indebtedness incurred pursuant to this part has been paid.

(3) In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder by adoption of an ordinance or resolution by the governing body declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the local agency. A copy of such ordinance or resolution duly certified by the clerk shall be admissible in evidence in any suit, action, or proceeding.

(4) The governing body of the local agency shall designate five persons who are residents of the local agency as members of the authority created for said local agency. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, and two for 4 years; in each case until a successor is appointed and has qualified. Thereafter the governing body shall appoint, for terms of 4 years each, a member or members to succeed those whose terms expire. The governing body shall fill any vacancy for an unexpired term. A member of the authority shall be eligible for reappointment. Any member of the authority may be removed by the governing body for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority, before entering upon his or her duties, shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Department of State and with the clerk.

(5) The authority shall annually elect one of its members as chair and one as vice chair.

(6) The authority shall keep a record of its proceedings and shall be custodian of all books, documents, and papers filed with it and of its minute book or journal and official seal. The authority shall cause copies to be made of all its minutes and other records and documents and shall give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with it may rely upon such certificates.

(7) Three members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority shall be necessary for any action taken by an authority. However, any action may be taken by the authority with the unanimous consent of all of its members. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of this part may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with s. 286.011.

(8) The members of the authority shall receive no compensation for the performance of their duties hereunder, but each member shall be paid his or her necessary expenses incurred while engaged in the performance of such duties pursuant to s. 112.061.

(9) Any general or special law, rule or regulation, or ordinance of any local agency to the contrary notwithstanding, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or receives income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

History.--s. 4, ch. 74-323; s. 871, ch. 95-147.

RESOLUTION NO. 92- 563

RESOLUTION ESTABLISHING AT  
LARGE APPOINTMENTS TO THE PALM  
BEACH COUNTY HEALTH FACILITIES  
AUTHORITY

WHEREAS, Resolution NO. 77-379, passed by the Board of County Commissioners of Palm Beach County on April 12, 1977, created the Palm Beach County Health Facilities Authority, and

WHEREAS, Chapter 154, Part III, Florida Statutes, authorizes the governing body of the county to designate five persons who are residents of the county as members of the Authority created for said county, and

WHEREAS, previously, appointments to the Authority were made on a district basis, and

WHEREAS, due to the increase in the size of the Board of County Commissioners from five to seven members, district appointments are no longer appropriate,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that appointments to the Palm Beach County Health Facilities Authority be made on an at large basis.

The foregoing resolution was offered by Commissioner                     Roberts                     who moved for its adoption. The motion was seconded by Commissioner                     Foster                     and upon being put to a vote, the vote was as follows:

KAREN T. MARCUS      Aye  
CAROLE PHILLIPS      Aye  
CAROL A. ROBERTS    Aye  
CAROL J. ELMQUIST   Aye  
MARY McCARTY        Aye  
KEN FOSTER            Aye  
MAUDE FORD LEE      Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 28th day of April, 1992.

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

MILTON BAUER, CLERK

By Judith L. Croshaw  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By K. IAT  
County Attorney

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Resolution No. 77-378

APPROVED BY BOARD OF COUNTY COMMISSIONERS IN OPEN SESSION  
April 19, 1977

RESOLUTION COMPLETING THE ESTABLISHMENT OF THE PALM BEACH COUNTY HEALTH FACILITIES AUTHORITY

WHEREAS, by Resolution No. 77-379, passed by the Board of County Commissioners of Palm Beach County on April 12, 1977, the Palm Beach County Health Facilities Authority was created, and

WHEREAS, by that Resolution four members were picked for the authority being Daniel H. James and James K. Johnson who shall serve for a period of four years; Fred Edelmuth who shall serve for a period of three years and Roy W. Brown, M. D. who shall serve for a period of two years, and

WHEREAS, there remains to be chosen one Health Facilities Authority member who shall serve for a period of one year,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that the fifth member of the Palm Beach County Health Facilities Authority shall be William E. Bowman who shall serve for a period of one year.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner , and upon being put to a vote, the vote was as follows:

- LAKE LYTAL
- PEGGY B. EVATT
- DENNIS P. KOEHLER
- WILLIAM MEDLEN
- BILL BAILEY

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By \_\_\_\_\_ Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By Charles V. Turner County Attorney

RESOLUTION ESTABLISHING THE PALM BEACH COUNTY COUNTY HEALTH FACILITY AUTHORITY

WHEREAS, Chapter 74-323, Laws of Florida, Acts of 1974, Chapter 154 Florida Statutes, Part III, authorizes the creation of a health facility authority in each county of Florida as a public body corporate and politic for the purpose of assisting health facilities in the acquisition, construction, financing and refinancing of projects in any incorporated or unincorporated area within the geographical limits of the county, and

WHEREAS, this law authorizes the governing body of each county to designate five persons who are residents of the county as members of the Authority created for such county, and

WHEREAS, the Board of County Commissioners finds that it would be in the public interest to create such an authority in Palm Beach County,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF PALM BEACH COUNTY, FLORIDA:

Section 1. The Board of County Commissioners finds and declares that there is a need for a health facilities authority to function in Palm Beach County, Florida, for the purposes authorized and set forth in Chapter 74-323, Laws of Florida, Acts of 1974.

Section 2. An authority, henceforth to be known as the "Palm Beach County Health Facilities Authority", a public body corporate and politic, is hereby established and created for the purpose authorized by Chapter 74-323.

Section 3. The following persons who are residents of Palm Beach County are designated and appointed as members of the Palm Beach County Health Facilities Authority, namely:

Daniel H. James (Emitt) who shall serve for a period of four years;

James K. Johnson (Keller) who shall serve for a period of four years;

Fred Edelmutk (Lytal) who shall serve for a period of three years;

Roy W. Brown, M.D. who shall serve for a period of two years;  
(Bailey)

\_\_\_\_\_ who shall serve for a period of one year.  
(Medlen)

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

LAKE LYTAL  
PEGGY B. EVATT  
DENNIS P. KOEHLER  
WILLIAM MEDLEN  
BILL BAILEY

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By \_\_\_\_\_ Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By Charles Vituro  
County Attorney