

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ENVIRONMENTAL CONTROL BOARD

BOARD APPOINTMENT SUMMARY

Meeting Date: August 21, 2007
 Department: Palm Beach County Health Department
 Submitted by: Office of County Attorney
 Advisory Board Name: Environmental Appeal Board

I. EXECUTIVE BRIEF

Motion and Title: **Staff Recommends Motion to Approve:** Appointment of one (1) member to the Environmental Appeal Board, to complete the unexpired term of Robert J. Kanjian, who resigned and whose term expires on July 27, 2008.

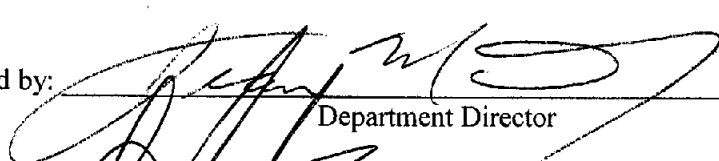
<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>
Frank M. Keiser, II	3	Member of Gold Coast Builders Association

Summary: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association; one person recommended by the Home Builders and Contractors Association; one professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one water resource professional employed by the South Florida Water Management District; and one drinking water engineer employed by the Department of Environmental Protection. This action will fill the above-referenced seat until July 27, 2008. Countywide (GDB)


Background and Justification: Environmental Control Rules I and II provide for the organization of the Environmental Appeal Board. These rules state that composition and representative members of the Appeal Board shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. The Home Builders and Contractors Association has merged with another association and is now known as the Gold Coast Builders Association. The term of Robert J. Kanjian, who has resigned, is unexpired; said term expires on July 27, 2008. A recommendation to fill this unexpired position was sought from the Gold Coast Builders Association.

Attachments:

- o Section 12 of Environmental Control Rule I
- o Chapter C, Section 5 of Article 17 of ULDC
- o Board Appointment Information Form
- o Letter from Gold Coast Builders Association
- o Current Membership Directory

Recommended by:  Department Director

8/17/07
Date

Legal Sufficiency:  Assistant County Attorney

8/15/07
Date

- D. For treatment and disposal of industrial hazardous or toxic wastes.
- E. For commercial establishments where food is processed, handled, prepared or served. This restriction does not apply to retail or prepackaged food stores and to convenience stores where food service is limited to coffee, soft drinks and hot dogs.

Section 9 Handling of Septage

Collection, treatment and disposal of septage shall be in accordance with Rule 64E-6, F.A.C. No person(s) or corporation shall engage in the business of servicing septic tanks, grease traps, portable toilets or other treatment receptacles without first obtaining an annual license from the Department. The issuance of the license would be based upon compliance with the provisions of Rule 64E-6, F.A.C.

Section 10 Prohibitions

- A. It is prohibited for any person to construct, keep, use or maintain a privy from which human waste is deposited on the surface of the ground or over waters of the State of Florida.
- B. No person shall manufacture, sell or install an OSTDS unless in compliance with the requirements of this Article.
- C. It is prohibited to drain sewage wastes or septic tank effluent into cesspools or drywells as means of disposal.
- D. Organic chemical solvents shall not be advertised, sold or used in PBC for the purpose of degreasing or declogging onsite sewage disposal systems.

Section 11 Incorporation by Reference of Rule 64E-6, F.A.C.

Rule 64E-6, F.A.C. as may be amended from time to time and all amendments hereto, is hereby incorporated by reference including, but not limited to, application and permitting procedures, systems design and construction standards, system sizing, system setback requirements, septage disposal, system maintenance and fee schedule unless higher in the PBC fee ordinance. In the event of a conflict between the provision of Rule 64E-6, F.A.C. and this Article, the more restrictive provision shall apply.

Section 12 Environmental Appeal Board (EAB)

The EAB was established by the ECB on May 26, 1987, to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art.17, Decision Making Bodies.

Section 13 Appeals

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be non-refundable and in the following amounts:
 1. \$100.00 for a single family residence.
 2. \$125.00 for all others, including, but not limited to, multiple family, commercial or subdivisions.
 3. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C.
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix 3, ECR I- Information Required for an Appeal for an Individual Lot, or Appendix 4, ECR II- Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal

ARTICLE 17

DECISION MAKING BODIES

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- A. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
- B. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Voluntary Density Bonus (VDB) Programs;
- D. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the text of this Code;
- E. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the Official Zoning Map of this Code;
- F. to hear, consider and approve, approve with conditions, or deny applications for development permits for Preliminary Development Plans for a Residential Planned Unit Development District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned Development District (MXPDP), Multiple Use Planned Development District (MUPD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), Traditional Marketplace Development (TMD), and Traditional Town Development (TTD);
- G. to hear, consider and approve, approve with conditions, or deny applications for development permits for Class A conditional uses;
- H. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission (ZC) on applications for development permits for Class B conditional uses;
- I. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
- J. to establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
- K. to act to ensure compliance with development orders or permits as approved and issued;
- L. to hear and consider administrative inquiries;
- M. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; and
- N. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan.

CHAPTER B GENERAL PROVISIONS

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. 95-1806. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail.

Section 1 Board Membership

A. Qualifications

Unless otherwise noted, each member of a board described in this Article, Decision-Making Bodies shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

B. Term of Office

1. The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.
2. There shall be no limit on the number of terms a person may serve on a board or commission.

C. Vacancy

1. The BCC shall fill a vacancy within 60 days.
2. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

D. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. Members affected by this provision shall be governed by PBC Resolution No. 91-1003.

E. Elected Office

Members shall not be prohibited from qualifying as a candidate for elected office.

Section 2 Appointments and Termination

A. Appointments

1. Individual BCC Appointments

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

2. At-Large BCC Appointments

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

3. Attendance

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meetings shall not be counted towards the attendance requirements.

4. Termination

In the event that any board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of the member.

5. Immediate Removal

Members removed pursuant to Art. 17.B.2.A, Appointments, through Art. 17.B.2.A.4, Termination, above, shall not continue to serve on the board and such removal shall create a vacancy.

Section 3 Conflict of Interest

A. Substantive Conflict

No board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a board member.

B. Provisions Related to Conflict of Interest

To implement this policy, members are directed to:

1. be governed by the applicable provisions of state and local law;
2. not accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
3. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
4. abstain from using membership on the board to secure special privileges or exemptions;
5. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
6. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and

7. refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

C. Board Action

Willful violation of this Section which affects a vote of a board member shall render that action voidable by the BCC.

Section 4 Officers

A. Chair and Vice-Chair

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the chair, the vice-chair shall act as Chair and shall have all the powers of the Chair.

Section 5 Rules of Procedure

A. Quorum and Voting

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simply majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

B. Robert's Rules of Order

All meetings shall be governed by Robert's Rules of Order. Each board may by majority vote of the entire membership adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations.

C. Meetings

1. The location of all meetings shall be in PBC, Florida.
2. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
3. All meetings and public hearings shall be open to the public.
4. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to F.S. §286.0105.

D. County Attorney's Office

The County Attorney's Office shall provide counsel and interpretation on legal issues.

E. Annual Report

Each board shall submit an annual report to the BCC. The form, substance and submittal date for the Annual Report shall be established by County Administrator in a Policy and Procedure Memorandum.

Section 6 Compensation

Board members shall receive no compensation for their services. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC staff that are necessary to fulfill the responsibility of membership on the particular board.

CHAPTER C APPOINTED BODIES

Section 1 Board Of Adjustment

A. Establishment

There is hereby established a Board of Adjustment (BA).

B. Powers and Duties

The BA shall have the following powers and duties under the provisions of this Code:

1. to hear, review, consider and approve, approve with conditions, or deny variances to the terms of sections of this Code as described in Art. 2, Development Review Procedures;

I. Meetings

1. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Art. 10.B.1, Procedure, a hearing may be called as soon as practical.

2. Operating Procedures

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

Section 4 Development Review Appeals Board

A. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and VDB; and
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

C. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

D. Officers; Staff

1. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

2. Staff

PZB staff shall be the professional staff for the DRAB.

E. Meetings

1. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

Section 5 Environmental Appeals Board

A. Establishment

There is hereby established an Environmental Appeals Board (EAB).

B. Powers and Duties

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of Art. 15, Health Regulations, made by the PBCHD or the Environmental Control Officer.

C. Board Membership

1. Qualifications

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

2. Terms of Office

All EAB members shall serve a term of three years.

D. Officers

1. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

2. Staff

The PBCHD shall be the professional staff of the EAB.

E. Meetings

1. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

Section 6 Environmental Control Hearing Board

A. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

B. Powers and Duties

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - a. to refrain from committing, creating, maintaining, or permitting the violations;
 - b. to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - c. to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - d. to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - e. to administer oaths to any or all persons who are to testify before the ECHB.

C. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

D. Officers

1. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

2. Staff

The PBCHD shall be the professional staff of the ECHB.

E. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

Section 7 Groundwater and Natural Resources Protection Board

A. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

B. Powers and Duties

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Art. 14, Environmental Standards, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected;
2. to adopt rules of procedure for the conduct of hearings;
3. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;



GOLD COAST BUILDERS ASSOCIATION

2101 Corporate Drive • Boynton Beach, Florida 33426 • www.gcbaonline.com
(561) 732-5959 • (561) 732-4454 fax

May 31, 2007

Sherry C. Ingram
Office of County Attorney
Environmental Control Office
301 N. Olive Ave. #601
West Palm Beach, FL 33401

Dear Ms. Ingram,

Gold Coast Builders Association thanks you for the opportunity to participate on the Environmental Appeal Board. After numerous discussions and approval from our Board of Directors, we recommend that Mr. Frank Keiser of Suntree Homes in Wellington, be appointed to the board.

Mr. Keiser can be reached at:
Suntree Homes
13860 Wellington Trace
Wellington, FL 33411
(561) 795-4141
frank.keiser@suntreehomes.com

Thank you in advance for your consideration. Please contact me if I can be of further assistance.

Sincerely,

Judy Nichols
Assistant Executive Officer

RECEIVED

JUN - 7 2007

Palm Beach County Attorney
Environmental Control Office

Frank M. Keiser II

13498 Jonquil Place
Wellington Florida 33414
Phone: 561-795-0911

Experience:

- 08/02 – Present SunTree Homes Inc., Wellington, Florida
President
Responsible for overall performance of residential
Construction Company.
- 12/98 – 07/02 Seacor Inc. dba Quality Pools, Myrtle Beach, South Carolina
Vice President / COO
Responsible for all operations including construction, sales, retail,
and development. Expanded business from one retail location to
five in a three year period and improved revenue 200% during
that time.
- 02/93 – 01/99 SunTree Homes Inc., Wellington, Florida
Vice President, Construction
Responsible for all aspects of constructing custom homes and
swimming pools. Managed a staff of nine including field
supervisors, accounting, architectural, and administrative staff.
- 01/91 – 02/93 Circle K Corporation, Charlotte, North Carolina
Zone Manager
Managed operations of twenty one convenience stores.
Implemented and supervised all sales, marketing, human resource,
and training programs. Served as division mentor for zone
managers and training coordinator for all incoming store managers.
- 10/89 – 01-91 Ryland Homes, Inc., Charlotte, North Carolina
Production Supervisor
Directed construction of up to fourteen homes simultaneously.
Controlled cost and quality of each project.
- 06/86 – 09/89 Lawson's Inc., T/A Shore Foods, Bethany Beach, Delaware
Assistant Manager
Controlled daily store operation of full line grocery store.

Education:

- 08/85 – 05/89 Westminster College, New Wilmington, Pennsylvania
B.A. Degree May 1989
MGPA: 3.25/4.0
- 05/89 – Present Numerous continuing education classes and seminars on topics including: Real Estate, Workers Compensation, Accounting, Management, Construction, Sales and Marketing, etc.

Personal: (bold indicates current, dates available by request)

Married with three children
Florida - State Certified Building Contractor (CBC 057164)
South Carolina- State Certified General Contractor (G101556)
Florida – State Licensed Sales Associate (SL3076956)
Volunteer – St. Peter's United Methodist Church
President – Acreage Builders Association
Alt. to Board of Directors – National Association of Builders
Board of Directors – Florida Home Builders Association
Board of Directors – Gold Coast Builders Association
Volunteer Speaker – Junior Achievement
Soccer Coach – Village of Wellington Youth Program
Vice President Governmental Affairs – GCBA
Vice President Parade of Homes – GCBA
Life Spike – National Association of Homebuilders
Governmental Affairs Committee – GCBA
Judge- Treasure Coast Builders Home Showcase
Volunteer – Adam Walsh Miracle House
Volunteer – United Cerebral Palsy
Volunteer – Habitat for Humanity
Outstanding College Students of America – 1989
Associate Residence Hall Director- Westminster College
Treasurer- National Fraternity

Numerous additional activities not specifically mentioned here.
Details upon request.

References: Available upon request.

ENVIRONMENTAL APPEAL BOARD DIRECTORY

Authority: Environmental Control Rules I and II

Terms Per Ord 96-28

Appointments are for three (3) years

Updated: December 31, 2006

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Brian J. LaMotte, P.E. SFRN, Inc. 1201 Belvedere Road West Palm Beach FL 33405	655-1151 – Asst. Suki Fax 832-9390 Email blamotte@sfrninc.com Cell – 346-3239	Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch	7-12-05	7-28-05 to 7-27-08		X
2	Simon Sunderland, P.G., Vice-Chair M.S.C. 4350, South Florida Water Management District 3301 Gun Club Road West Palm Beach FL 33406	682-2705 Fax 682-6442 ssunder@sfwmd.gov	Water resource professional employed by SFWMD	3-15-05	3-17-05 to 3-16-08		X
3	Robert J. Kanjian, Chairman Building Solutions LLC 314 Clematis Street, #201 West Palm Beach FL 33401 (RESIGNED AS OF 11-09-06)	835-6778 Fax 835-8133 bkanjian@buildingsolutionsllc.com	Member of Gold Coast Builders Assoc. (formerly HCBA)	7-12-05	7-28-05 to 7-27-08	X	
4	Michael Bechtold, P.E. Department of Environ. Protection Southeast District 400 North Congress Avenue, #200 West Palm Beach FL 33401	681-6682 Fax 681-6760 mike.bechtold@dep.state.fl.us	Drinking Water Engineer employed by the DEP	3-15-05	3-17-05 to 3-16-08		X
5	Carolyn S. Ansay, Esq. Doran, Wolfe, Rost & Ansay 777 S. Flagler Drive, #800 West West Palm Beach FL 33401	802-3334 Fax 802-4135 Email cansay@doranlaw.com Cell – 561-352-3904	Attorney nominated by PBC Bar Association	7-12-05	7-28-05 to 7-27-08	X	
	Health Department Rep. – Antoine Devonshire – 355-3070 , 901 Evernia Avenue, WPB 33041						