

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: January 15, 2008

Department:

Submitted By: Office of Financial Management and Budget

Submitted For: Investment Policy Committee

I. EXECUTIVE BRIEF

Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE: Appointment of one (1) new member to the Investment Policy Committee.

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Barry A. Weiss	3	Commissioner Aaronson

Summary: James Derba has resigned his seat on the Investment Policy Committee (IPC). Mr. Derba's seat on the Committee needs to be filled. The Committee is comprised of seven members, including a current member of the Board of County Commissioners, four representatives from the private sector approved by the BCC, a designee of the Palm Beach County Sheriff's Office, and an employee of the Office of Financial Management and Budget selected by the County Administrator. Commissioner Aaronson currently serves as the Board's representative and as the Committee's Chairman. Countywide (PK)

Background and Justification: Per Ordinance No. 87-11, Section 9 (Investment Ordinance), approved June 9, 1987, Chapter 218.415, F.S., the Committee shall meet three times per annum, or at the call of the Chairman. The IPC shall address such issues as liquidity, risk diversification, safety of principal, yield, maturity, and investment quality, as well as qualifications of investment dealers and issuers, thereby suggesting guidelines for use in the investment of County funds. As James Derba resigned from the Committee, his seat now needs to be filled.

Attachments:

1. Board Appointment Information Form
2. List of Current IPC Members

Recommended by: Richard Roub 1/3/2008
 Department Director Date

Approved by: Paul F. J. 1/3/2008
 Assistant County Attorney Date

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSION

BOARD APPOINTMENT INFORMATION FORM

Part I:

Board Name: Investment Policy Committee

At Large Appointment or District Appointment

Term of Appointment: _____ years. From _____ To _____

Seat Requirement: Private sector Seat # 3

**Reappointment or New Appointment

or to complete the term of Jim Derba

due to: resignation other _____

completion of term to expire on: _____

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

Name: Barry A. Weiss

Occupation/Affiliation: _____

Business Name: _____

Business Address: _____

City & State: _____ Zip Code: _____

Residence Address: _____

City & State: _____ Zip Code: _____

Home phone: _____ Business phone: _____

Mailing Address preference: Business Address Residence Address or other:

Minority Identification Code:

- | | |
|--|---|
| <input type="checkbox"/> IF (American Indian Female) | <input type="checkbox"/> IM (American Indian Male) |
| <input type="checkbox"/> AF (Asian Female) | <input type="checkbox"/> AM (Asian Male) |
| <input type="checkbox"/> BF (Black Female) | <input type="checkbox"/> BM (Black Male) |
| <input type="checkbox"/> HF (Hispanic Female) | <input type="checkbox"/> HM (Hispanic Male) |
| <input type="checkbox"/> WF (White Female) | <input checked="" type="checkbox"/> 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: 12/10/07

Barry A. Weiss focuses his practice on US and international mergers and acquisitions, joint ventures and commercial development and project finance transactions. He represents developers, lenders, equity investors and others in acquisitions and divestitures and in the development and financing of energy, infrastructure and other projects, and counsels companies worldwide on project agreements, including joint ventures and partnership arrangements, development and concession agreements, power purchase and other off-take agreements, construction contracts, operation and maintenance agreements, fuel supply agreements, management agreements and related contracts and international business transactions.

Mr. Weiss has been involved in more than US\$8 billion in complex financings and acquisitions in Asia, Australia, Europe, India, Latin America and the United States. He previously served as general counsel to two leading independent power companies in the United States, including their international operations.

CONCENTRATION

- * Joint Ventures
- * Mergers & Acquisitions
- * Corporate Partnership
- * Project Finance
- * Energy
- * Utilities
- * Cross-Border Transactions
- * Construction

SIGNIFICANT REPRESENTATIONS

- * Merger and Acquisition and General Corporate Transactions*
 - * Represented purchaser in acquisition of SSM Coal B.V.
 - * Represented purchaser in \$600 million acquisition of Great Lakes Carbon
 - * Represented purchaser in \$120 million acquisition of Applied Industrial Materials Corporation from Walter Industries
 - * Represented seller in divestiture of international terminal and services business
 - * Represented seller in divestiture of metals business to an international buyer
 - * Represented sellers of Brazil / Mexico internet advertising business to Yahoo!
 - * Represented purchaser in acquisition of HVAC distribution business in Florida and Mexico and in acquisition of gate business
 - * Represented sponsor in connection with establishment of operations and development of coal storage and terminal facility in Brazil
 - * Represented Save-A-Lot in international business expansion
 - * Represented winning bidder in \$1.5 billion privatization of Victorian electric distribution company (Citipower); financing of purchase, including issuance of off-shore debt and equity (Australia)
 - * Represented sponsor (Entergy) in structuring of \$500 million capital (equity) fund for use in privatization investments (Australia)
 - * Represented sponsor (Entergy) in structuring and documenting \$250 million Asian investment fund for planned acquisitions (Hong Kong)
 - * Represented bidder (Entergy) in \$1.2 billion privatization of Victorian gas distribution companies (Australia)
 - * Represented participant in establishment of joint venture in Kuwait to produce / market calcined petroleum coke
 - * Represented seller (FPLE) in sale of 20 MW wood-fired electric generating facility in Maine to Canadian buyer (Boralex)
 - * Represented owner (FPLE) in sale of 80 MW waste-wood project in Virginia (Multitrade)
 - * Represented owner (FPLE) in divestiture of hydro-electric portfolio (Maine)
 - * Represented owners (LG&E) in divestiture of biomass projects (West Enfield, Jonesboro, Maine) (90 MW)
 - * Represented purchaser (LG&E) of limited partner interests in 100 MW of wind projects (California)
 - * Represented developer (LG&E) in connection with potential acquisitions and investments in wind turbine companies (California/Texas)
 - * Represented bidder (Newport Generation) in analysis of bid for purchase of interest in El Paso's portfolio of California projects
 - * Represented sponsor (LG&E) in sales to limited partners of interests in coal-fired projects (Southampton,

12/12/2007

Altavista, Hopewell, Virginia) (210 MW)

- * Represented bidder (LG&E) in analysis and preparation of bid for acquisition of several IPP companies (Hydra Co; J. Makowski)
- * Represented bidder (Campbell Soup) in bid to acquire Bumble Bee Seafood
- * Represented Sutro & Co. in sale of securities business to John Hancock Insurance
- * Represented LBO sponsor in connection with leveraged buy-outs, including financing of Levi Strauss & Co.
- * Represented Latchford Glass in connection with acquisition by Vitro S.A. (Mexico)
- * Represented founder and Chairman Al Duffield in connection with financing and sale of shares in PeopleSoft
- * Represented Dillingham Corporation in sale of rock quarries to Dutra & Co. and in corporate restructuring
- * Represented technology sponsor in research and development joint venture with Gas Research Institute
- * Represented US Steel Credit in aircraft financings
- * Represented California Business Interiors in sale of Steelcase distribution business
- * Represented Hadson Power in sale of company to LG&E
- * Represented Clothestime and Cost-Plus Markets in store acquisitions and in numerous securities filings and corporate governance matters
- * Represented buy-out fund in potential acquisition of Viking Office Products and CompCare
- * Represented Republic Supply Company (Fluor Daniel subsidiary) in sale of company
- * Represented American Continental Corporation (owner of Lincoln Savings and Loan) in negotiations with bondholders, other creditors and bankruptcy proceedings

* Project Finance and Development Transactions*

- * Asia Pacific/Australia
- * Represented joint venture parties (Entergy) in development of mine and railroad infrastructure to service 900 MW power station (Australia)
- * Represented sponsor (Entergy) of Wandoan 665 MW mine-mouth coal project and in acquisition of site from MIM Holdings
- * Represented sponsor (Entergy) in development of 900 MW Tarong coal-fired project in Queensland with Queensland Government (Australia)
- * Represented sponsor (Entergy) in development of 224 MW Peak Downs mine-mouth waste coal project in Queensland in partnership with BHP Coal (Australia)
- * Represented sponsor (Entergy) in development of 650 MW Wivenhoe gas-fired project in Queensland (Australia)
- * Represented developer (Entergy) in joint venture, power purchase and fuel supply negotiations for several cogeneration projects (one using residual petroleum) (India)
- * Represented developer (Entergy) in joint venture and power purchase agreement negotiations for over 500 MW of power (Sibolga, Amurang, Tanjung Jati B – Indonesia)
- * Represented operator (Entergy) in negotiation of O&M agreement for 400 MW gas-fired Liberty project (Pakistan)
- * Latin and South America
- * Represented Caterpillar Financial in connection with bid on 300 MW oil-fired project (Honduras)
- * Represented Entergy in connection with negotiation of joint development agreement for several projects in Mexico
- * Represented developer (Entergy) in joint venture and bid for 300 MW Cadereyta petroleum coal project (Mexico)
- * Represented developer (Entergy) in preparation of proposal for 200 MW gas-fired project in Mexico City area with Luz y Fuerza (Mexico)
- * Represented developer (Entergy) in preparation of bid with Mitsui for CFE / Merida gas-fired project (Mexico)
- * Represented sponsor (LG&E) in joint venture negotiations with Electricidad de Caracas and in EPC and O&M contract negotiations with Siemens-Westinghouse for Maraven 315 MW IPP project (Venezuela)
- * Represented EPC contractor (LG&E) in Mendoza gas-fired project (Argentina)
- * Europe/Middle East
- * Represented project sponsor (Entergy) in EPC contract for 800 MW Saltend gas-fired project (United Kingdom)
- * Represented operator (Entergy) in negotiation of MOU for gas-fired project in Egypt
- * United States
- * Represented sponsor (FPLE) in connection with \$400 million construction term loan facility for two gas-fired projects (Marcus Hook, Pennsylvania and Calhoun, Alabama)
- * Represented sponsor (FPLE) in connection with \$425 million Rule 144-A bond offering for financing of Doswell, Virginia gas-fired facilities
- * Represented owner (FPLE) in sale/leaseback and financing of 54 MW wind project in Oklahoma
- * Represented developer (FPLE) in tolling agreement negotiations with Duke Energy for 525 MW gas-fired facility in South Carolina (Anderson)
- * Representation of developer (FPLE) in tolling agreement negotiations for 525 MW gas-fired facility in Alabama (Kelley)
- * Represented operator (FPLE) in negotiations of O&M Agreement for 200 MW gas-fired project (Rhode Island)

12/12/2007

- * Represented owner (FPLE) in Rule 144-A financing and in turbine purchase negotiations for 50 MW electric power peaking facility in Queens, New York (Bayswater)
 - * Represented sponsor (Entergy) of 365 MW pumped storage project in Arkansas (River Mountain)
 - * Represented owners of wood-fuel projects in wood fuel procurement negotiations
 - * Represented owner (FPLE) in EPC contract, common facilities and partnership arrangements for 500 MW gas-fired project (Blythe -- California)
 - * Represented developer (LG&E) on negotiation of energy services arrangements with major industrial host (DuPont)
 - * Represented sponsor (LG&E) of Wasco coal storage terminal and railroad infrastructure to provide fuel to three 50 MW California power stations
 - * Represented developer (Entergy) in acquisition of interests in 350 MW Crown-Vista coal-fired project and restructuring of power purchase agreements with JCP&L and MetEd (New Jersey)
 - * Represented developer (LG&E) of 50 MW of wind projects (California)
 - * Represented sponsor (LG&E) in securitization of \$200 million in partnership contingent equity contributions (Virginia/North Carolina)
 - * Represented sponsor (LG&E) in development and financing of 80 MW Rensselaer gas-fired cogeneration project (New York)
 - * Represented sponsor (Entergy) in negotiation of EPC joint venture (Entergy/Shaw)
 - * Represented sponsor (LG&E) in development and financing of Roanoke Valley integrated coal-fired facilities (North Carolina) (225 MW)
 - * Represented EPC contractor (LG&E) on 800 MW Sithe coal-fired project (New York)
 - * Represented operator (LG&E) in negotiation of O&M contracts for solar projects (SEGS VIII and IX -- Luz Solar Partners), and waste-coal project (Panther Creek -- Ahlstrom)
 - * Represented contractor in purchasing of turbines and other equipment from major equipment suppliers (GE, Westinghouse, Babcock & Wilcox, Riley Stoker, Mitsubishi, ABB)
 - * Represented owner (Entergy) in sale to Enron of 40 MW gas project and restructuring of power purchase agreement with Virginia Power (Richmond, Virginia)
 - * Represented owner (LG&E) in development, financing and restructuring of waste wood processing plant (Waste Fibre -- California)
- * *Most of the above transactions have been handled by Mr. Weiss prior to joining GT.

RELATED EXPERIENCE

- * Former General Counsel, LG&E Energy and Entergy Power Group
- * Law Clerk to Hon. Mary M. Schroeder, U.S. Court of Appeals, Ninth Circuit, 1982-1983
- * Arbitrator, National Association of Securities Dealers, 1987-1990

ARTICLES, PUBLICATIONS & LECTURES

Articles

- * Co-author, "Avoiding Liquidated Damages in Construction Contracts," The Contractor's Handbook on Business Finance and Law

Lectures

- * Panelist for international conferences on managing risks in project development

Miscellaneous

- * Member, Board of Editors, Cornell International Law Journal, 1982-1983

12/12/2007

AWARDS & RECOGNITION

- * Selected by Super Lawyers magazine, 2006

EDUCATION

- * J.D., Cornell Law School, 1982
- * B.S., Cornell University, 1978

ADMITTED TO PRACTICE

- * Florida
- * California
- * U.S. District Court for the Northern District of California

GTnet - Greenberg Traurig, LLP Intranet

GTnet Home <<http://www.intranet.gtlaw.com/index.aspx>> GT Directory

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----- Original Message -----

12/12/2007

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INVESTMENT POLICY COMMITTEE
 ADVISORY BOARD MEMBERS

SEAT ID	CURRENT MEMBER	RACE CODE	BUSINESS/ HOME PHONE	REQUIREMENT	APPOINT DATE	RE-APPT DATE	EXPIRE DATE
APPOINTED BY: At Large							
1	Commissioner Burt Aaronson District 5 301 No. Olive Ave., 12th FL West Palm Beach, FL 33401	WM	(561) 355-2205 () -	County Commissioner	01/11/2005	//	
2	Larry Zalkin 7204 Francisco Bend Drive Delray Beach, FL 33446	WM	(561) 499-7609 (561) 498-0740	Private Sector	10/03/2006	//	
3	Jim Derba Quail Ridge 10640 Seaholly Boynton Beach, FL 33430	WM	() - (561) 734-6082	Private Sector	03/21/1995	05/16/2006	
4	Stephen H. Freilich, CFA South FL Water Mgmt. 3301 Gun Club Rd., Bldg. B1 West Palm Beach, FL 33406	WM	(561) 686-8800 (561) 682-6819	Private Sector	05/20/2003	05/16/2006	
5	Richard J. Miller, Esq. Edwards & Angell 1 No. Clematis St., Ste. 400 West Palm Beach, FL 33401	WM	(561) 820-0274 () -	Private Sector	12/01/1992	05/16/2006	
6	Richard Roberts Director, OFMB 301 N. Olive Avenue, 7th Fl West Palm Beach, FL 33401	WM	(561) 355-2580 (561) 575-6869	Office/Financial Management &	06/01/1994	//	
7	Ric Bradshaw Palm Beach County Sheriff 3228 Gun Club Rd. West Palm Beach, FL 33406	WM	(561) 688-3012	Sheriff or designee	01/01/2004	//	