

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 9/9/08 (X) Consent () Regular
() Workshop () Public Hearing

Department
Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution that repeals Resolution R96-1489 which created the Artificial Reef and Estuarine Enhancement Committee (AREEC) as it is presently constituted, and recreates the AREEC under the same provisions as R96-1489 except for modifying membership requirements and adding two (2) members.

Summary: The Resolution modifies the commercial fishing category in response to difficulty in filling the appointment due to the decline in local commercial fishing and modifies the local government category to any government. Two (2) more general members are added to the committee to allow for broader citizen input. If it becomes difficult to fill the seat with a representative from one of the existing seven (7) categories, the revision allows those seats to be filled by general members. To ensure staggered terms, one (1) new general member shall be appointed to an initial term of four (4) years and the other new general member shall be appointed to an initial term of three (3) years. All current committee members are retained and term expiration dates are unchanged. Countywide (HF)

Background and Justification: On December 17, 1985, the BCC approved Resolution (R85-2075) that created the original Artificial Reef Committee (ARC). The role of the Committee was to advise County staff on matters relating to enhancing marine habitat, salt water fishing and recreational opportunities and to provide locations for research and monitoring. On April 3, 1990, the BCC approved the Resolution (R90-601) that created the AREEC. The AREEC's purpose was to expand the role of the ARC to advise the Board on issues related to artificial reefs and estuarine enhancement and restoration in the county. The AREEC was made up of sixteen (16) members including one (1) County Commissioner, four (4) members representing the County and other local governments, and eleven (11) members representing fishing, scuba, conservation and education interests in Palm Beach County.

On May 4, 1993, Resolution R93-586 was adopted which provided for revisions to comply with County policy, broaden committee responsibility to include estuarine water quality issues, established specific categories of membership, and reduced the number of members from sixteen (16) to nine (9). On October 1, 1996, Resolution R96-1489 was adopted to provide for staggered terms and remove the limitation on the number of consecutive terms a member may serve.

In recognition of the difficulty in finding members that fulfill the membership categories, it was the intent of the committee to make some adjustment to membership requirements and add two more members from the general public to allow for broader input. On July 10, 2008, the AREEC

(Continued on Page 3)

- Attachments:**
1. Resolution
2. Resolution 96-1489

Recommended by: Richard E. Malachuk 8/5/08
Department Director Date

Approved by: [Signature] 9/10/08
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____

NET FISCAL IMPACT * See note below _____

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? (Match) Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

* There is no fiscal impact associated with this item.

C. Department Fiscal Review: *JP*

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

atwillwhite 8.7.08
 OFMB *8/6/08* *8/5/08*

Jim J. Jacoby 8/6/08
 Contract Dev. and Control

B. Legal Sufficiency:

JP 8/11/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

Background and Justification: (Continued from Page 1)

approved the Resolution modifying the committee. This Resolution to repeal Resolution 96-1489 recreates the AREEC under the same provisions as R96-1489 except for replacing the commercial fishing membership category with fisheries category, modifying the local government category to any government and adding two (2) general members that will be filled by County residents having an interest in artificial reefs and estuarine enhancement. It will also allow for other seats to be filled by general members if it becomes difficult to fill the seat with a representative from one of the existing categories. The categories will include one (1) County Commissioner, two (2) members representing other governments, one (1) commercial scuba diving representative, one (1) recreational scuba diving club representative, one (1) commercial marine industry representative, one (1) fisheries representative, one (1) recreational fishing club representative and one (1) environmental organization representative.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE PALM BEACH COUNTY ARTIFICIAL REEF AND ESTUARINE ENHANCEMENT COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR STAGGERED TERMS; PROVIDING FOR MEETINGS AND ORGANIZATIONS; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR BOARD ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR RATIFICATION; PROVIDING FOR THE REPEAL OF RESOLUTION NO. 96-1489

WHEREAS, the Board of County Commissioners of Palm Beach County created the Artificial Reef and Estuarine Enhancement Committee (AREEC) by adoption of Resolution R-90-601, on April 3, 1990, to advise the Board of all matters relating to artificial reefs and enhancement of estuarine water bodies; and

WHEREAS, Resolution R93-586 provided for revisions to comply with County policy and included a reduction in the number of members from 16 to 9, established specific categories of membership, and added water quality to the committee responsibilities; and

WHEREAS, Resolution R96-1489 provided for staggered terms and removed the limitation on the number of consecutive terms a member may serve; and

WHEREAS, the AREEC desires to modify the membership requirements to reflect changing conditions by modifying the commercial fishing category to a fisheries category, modifying the local government category to any government, and adding two (2) general members; and

WHEREAS, this reorganization will ensure greater continuity and consistency of effort as AREEC membership changes over time and allow members with unique talents and abilities to continue to serve the Committee; and

WHEREAS, this reorganization will enable the Committee to more effectively advise the Board on the evolving challenges of artificial reef and estuarine enhancement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Creation. Upon adoption of this Resolution by the Board of County Commissioners, there is created and established a committee to be known as the Palm Beach County Artificial Reef and Estuarine Enhancement Committee, which committee shall replace, in its entirety, that certain Artificial Reef and Estuarine Enhancement Committee created by Resolution R-96-1489.

Section 2. Membership:

a. The Artificial Reef and Estuarine Enhancement Committee shall consist of eleven (11) members appointed at large by the Board of County Commissioners. Appointments shall be based upon nominations from the following:

1. One (1) representative of the County Commission of Palm Beach County, who, at the time of the appointment, shall be an elected member of the Commission. The selected member from the County Commission shall serve as the Chair of the Committee for the duration of the selected member's term of office as a County Commissioner;
2. Two (2) members representing other governmental entities;
3. One (1) member representing commercial scuba diving interests in Palm Beach County ;
4. One (1) member representing commercial marine industry interests in Palm Beach County;
5. One (1) member representing fisheries interests in Palm Beach County ;
6. One (1) member representing a recreational fishing club in Palm Beach County;
7. One (1) member representing a recreational scuba diving club in Palm Beach County;
8. One (1) member representing an environmental organization in Palm Beach County ; and,

9. Two (2) general members who are county residents having an interest in artificial reefs and estuarine enhancement of which one would be appointed for an initial term of three (3) years and one would be appointed for an initial term of four (4) years. All subsequent appointments and/or reappointments shall be terms of three (3) years.
 - b. Appointment of new members to fill vacancies and reappointment of members whose terms have expired shall be made at large by the Board of County Commissioners. Should a vacancy occur among the nine (9) group representative members that cannot be filled by that group, that vacancy may be filled by a county resident having an interest in artificial reefs and estuarine enhancement.
 - c. With the exception of the County Commission representative, the term for all members shall be three (3) years. The terms shall be staggered over a three (3) year period such that the terms of no more than four (4) members expire in any one year.
 - d. The term expiration date for all current committee members will remain in effect.

Section 3. Meetings and Organization. The Committee shall establish a time and place for holding meetings as may be necessary and shall adopt such rules of organization and procedure as may be required. The Committee may establish subcommittees for specific subjects or tasks and may invite participation in said subcommittees by nonmembers in order to obtain input from other segments of the public interested in the artificial reef and estuarine enhancement program, provided however, that such members of the public shall not be considered members of the Artificial Reef and Estuarine Enhancement Committee and shall have no official voting powers or related rights and duties.

Section 4. Duties and Functions. The Committee shall have the following duties and functions.

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a. To make recommendations to the Board of County

Commissioners regarding objectives and policies relative to the County's artificial reef and estuarine enhancement programs as they relate to management and coordination of such programs including, but not limited to, the review of existing and future artificial reef and estuarine enhancement locations, materials to be used in the construction of artificial reefs and estuarine enhancement projects, water quality, and other considerations relating to the management, implementation, and coordination of the artificial reef and estuarine enhancement programs.

Section 5. Committee Action Advisory Only. The actions, decisions, and recommendations of the Artificial Reef and Estuarine Enhancement Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

Section 6. Assistance to the Committee. The Artificial Reef and Estuarine Enhancement Committee may call upon any department or other agency of the County, regional, state, federal, or local governments for information or advice in the performance of its work. Staff from the Department of Environmental Resources Management shall provide administrative support to the Committee. The County Attorney's office shall act as legal counsel to the Artificial Reef and Estuarine Enhancement Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Artificial Reef and Estuarine Enhancement Committee. The Board of County Commissioners may, on behalf of the Artificial Reef and Estuarine Enhancement Committee, accept donations or other monetary or physical assistance from the general public to aid the Artificial Reef and Estuarine Enhancement Committee in fulfilling its duties as provided herein.

Section 7. Ratification. Notwithstanding anything contained herein, this Resolution also hereby acknowledges, ratifies, and confirms all actions of the advisory committee known as the Artificial Reef and Estuarine Enhancement

Committee, as was previously approved and organized by the Board of County Commissioners, prior to the formal adoption of this Resolution.

Section 8. Severability. If any section, sentence, clause, phrase, or word of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holdings shall in no way affect the validity of the remaining portions of this Resolution.

Section 9. Repeal of R-96-1489. This Resolution expressly repeals and supersedes Palm Beach County Resolution R-96-1489.

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

	ABSENT	AYE	NAY
COMM. ADDIE L. GREENE, CHAIRPERSON	_____	_____	_____
COMM. JEFF KOONS, VICE CHAIR	_____	_____	_____
COMM. KAREN T. MARCUS	_____	_____	_____
COMM. ROBERT J. KANJIAN	_____	_____	_____
COMM. MARY MCCARTY	_____	_____	_____
COMM. BURT AARONSON	_____	_____	_____
COMM. JESS R. SANTAMARIA	_____	_____	_____

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

BY: _____
County Attorney

Sharon Bock, Clerk & Comptroller

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RESOLUTION NO. R-96-1489

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE PALM BEACH COUNTY ARTIFICIAL REEF AND ESTUARINE ENHANCEMENT COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR STAGGERED TERMS; PROVIDING FOR MEETINGS AND ORGANIZATIONS; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR BOARD ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR RATIFICATION; PROVIDING FOR THE REPEAL OF RESOLUTION R-93-586;

WHEREAS, the Board of County Commissioners of Palm Beach County created the Artificial Reef and Estuarine Enhancement Committee (AREEC) by adoption of Resolution R-90-601, on April 3, 1990, to advise the Board on all matters relating to artificial reefs and enhancement of estuarine water bodies; and

WHEREAS, the AREEC desires to create staggered terms and remove the limitation on the number of consecutive terms a member may serve; and

WHEREAS, this reorganization will insure greater continuity and consistency of effort as AREEC membership changes over time and allow members with unique talents and abilities to continue to serve the Committee; and

WHEREAS, this reorganization will enable the Committee to more effectively advise the Board on the evolving challenges of artificial reef and estuarine enhancement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Creation. Upon adoption of this Resolution by the Board of County Commissioners, there is created and established a committee to be known as the Palm Beach County Artificial Reef and Estuarine Enhancement Committee, which committee shall replace, in its entirety, that certain Artificial Reef and Estuarine Enhancement Committee originally created by Resolution R-93-586.

Section 2. Membership:

- a. The Artificial Reef and Estuarine Enhancement Committee shall consist of nine (9) members

appointed at large by the Board of County Commissioners. Appointments shall be based upon nominations from the following:

1. One (1) representative of the County Commission of Palm Beach County, who, at the time of the appointment, shall be an elected member of the Commission. The selected member from the County Commission shall serve as the Chair of the Committee for the duration of the selected member's term of office as a County Commissioner;
2. Two (2) members representing other local governmental entities. One member shall be appointed for an initial term of four (4) years and one member shall be appointed for an initial term of three (3) years. All subsequent appointments and/or reappointments for both local governmental representatives shall be for terms of three (3) years;
3. One (1) member representing commercial scuba diving interests in Palm Beach County who shall be appointed for an initial term of two (2) years. All subsequent appointments and/or reappointments for the commercial scuba diving interests representative shall be for terms of three (3) years;
4. One (1) member representing commercial marine industry interests in Palm Beach County who shall be appointed for an initial term of two (2) years. All subsequent appointments and/or reappointments for the commercial marine industry interests representative shall be for terms of three (3) years;
5. One (1) member representing commercial fishing interests in Palm Beach County who shall be

appointed for an initial term of one (1) year. All subsequent appointments and/or reappointments for the commercial fishing interests representative shall be for terms of three (3) years;

6. One (1) member representing a recreational fishing club in Palm Beach County who shall be appointed for an initial term of four (4) years. All subsequent appointments and/or reappointments for the recreational fishing club representative shall be for terms of three (3) years;

7. One (1) member representing a recreational scuba diving club in Palm Beach County who shall be appointed for an initial term of one (1) year. All subsequent appointments and/or reappointments for the recreational scuba diving club representative shall be for terms of three (3) years; and

8. One (1) member representing an environmental organization in Palm Beach County who shall be appointed for an initial term of three (3) years. All subsequent appointments and/or reappointments for the environmental organization representative shall be for terms of three (3) years;

b. Appointment of new members to fill vacancies and reappointment of members whose terms have expired shall be made at large by the Board of County Commissioners.

Section 3. Meetings and Organization. The Committee shall establish a time and place for holding meetings as may be necessary and shall adopt such rules of organization and procedure as may be required. The Committee may establish subcommittees for specific

subjects or tasks and may invite participation in said subcommittees by nonmembers in order to obtain input from other segments of the public interested in the artificial reef and estuarine enhancement program, provided however, that such members of the public shall not be considered members of the Artificial Reef and Estuarine Enhancement Committee and shall have no official voting powers or related rights and duties.

Section 4. Duties and Functions. The Committee shall have the following duties and functions.

- a. To make recommendations to the Board of County Commissioners regarding objectives and policies relative to the County's artificial reef and estuarine enhancement programs as they relate to management and coordination of such programs including, but not limited to, the review of existing and future artificial reef and estuarine enhancement locations, materials to be used in the construction of artificial reefs and estuarine enhancement projects, water quality, and other considerations relating to the management, implementation, and coordination of the artificial reef and estuarine enhancement programs.

Section 5. Committee Action Advisory Only. The actions, decisions, and recommendations of the Artificial Reef and Estuarine Enhancement Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

Section 6. Assistance to the Committee. The Artificial Reef and Estuarine Enhancement Committee may call upon any department or other agency of the County, regional, state, federal, or local governments for information or advice in the performance of its work. Staff from the Department of Environmental Resources Management shall provide administrative support to the Committee.

The County Attorney's office shall act as legal counsel to the Artificial Reef and Estuarine Enhancement Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Artificial Reef and Estuarine Enhancement Committee. The Board of County Commissioners may, on behalf of the Artificial Reef and Estuarine Enhancement Committee, accept donations or other monetary or physical assistance from the general public to aid the Artificial Reef and Estuarine Enhancement Committee in fulfilling its duties as provided herein.

Section 7. Ratification. Notwithstanding anything contained herein, this resolution also hereby acknowledges, ratifies, and confirms all actions of the advisory committee known as the Artificial Reef and Estuarine Enhancement Committee, as was originally approved and initially organized by the Board of County Commissioners on April 3, 1990, prior to the formal adoption of this Resolution.

Section 8. Severability. If any section, sentence, clause, phrase, or word of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction then said holdings shall in no way affect the validity of the remaining portions of this resolution.

Section 9. Repeal of R-93-586. This resolution expressly repeals and supersedes Palm Beach County Resolution R-93-586.

The foregoing Resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner LEE and upon being put to a vote was as follows:

	ABSENT	AYE	NAY
COMM. KEN L. FOSTER, Chair	_____	<u>X</u>	_____
COMM. BURT AARONSON, Vice Chair	<u>X</u>	_____	_____
COMM. KAREN T. MARCUS	_____	<u>X</u>	_____
COMM. CAROL A. ROBERTS	<u>X</u>	_____	_____
COMM. WARREN H. NEWELL	_____	<u>X</u>	_____
COMM. MARY McCARTY	_____	<u>X</u>	_____
COMM. MAUDE FORD LEE	_____	<u>X</u>	_____

The Chair thereupon declared the resolution duly passed and adopted this 1st day of October, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

BY: *[Signature]*
(County Attorney)

BY: *[Signature]* D.C.
DOROTHY H. WILKEN, CLERK

