

7C-2

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: SEP 09 2008 [X] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department: Housing and Community Development

Submitted By: Housing and Community Development

Submitted For: Westgate/Belvedere Homes Community Redevelopment Agency

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one year term commencing June 16, 2008 and expiring June 15, 2009.

<u>Board Member</u>	<u>Office</u>
Frederick G. Wade	Chair
Ronald Daniels	Vice-Chair

**Summary:** The Westgate/Belvedere Homes CRA Board consists of seven at large members from residents and local businesses within the CRA boundaries. At the June 16, 2008 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

**Background and Justification:** The Westgate/Belvedere Homes Community Redevelopment Agency was created by the Board of County Commissioners pursuant to Ordinance #89-6, Section 3.05, adopted in May, 1989 and amended by Ordinance #91-50, adopted March, 1991. The CRA By-laws provide for the CRA Commissioners to elect their officers at a regular meeting immediately following the appointment of new appointed CRA Commissioners by the Board of County Commissioners. The results of the election are forwarded to the Palm Beach County of County Commissioners for approval.

**Attachments:**

1. Ordinance 89-6, amended b7 91-50
2. Advisory Board Members

Recommended By: Edward B. [Signature] 8/5/08  
Department Director Date

Approved By: [Signature] 8/12/08  
Assistant County Attorney Date

Approved By: [Signature] 8/12/08  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2008	2009	2010	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No X  
 Budget Account No. Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Obj. \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No Impact.

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Administration Comments.**

\*There is no fiscal impact associated with this agenda item

*atwillhite* 8-8-8  
 OFMB 8/8/08  
 8/7/08

*Jim J. Jacob* 8/8/08  
 Contract Development and Control

**B. Legal Sufficiency:**

\_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

1 AN ORDINANCE OF THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY,  
3 FLORIDA AMENDING PALM BEACH COUNTY  
4 ORDINANCE 89-6 RELATING TO THE  
5 WESTGATE/BELVEDERE HOMES COMMUNITY  
6 REDEVELOPMENT AGENCY; PROVIDING THAT THE  
7 AGENCY SHALL BE A SEPARATE LEGAL ENTITY;  
8 PROVIDING FOR REQUIREMENTS OF  
9 MEMBERSHIP; PROVIDING FOR THE EXERCISE OF  
10 CERTAIN POWERS BY THE AGENCY TO ISSUE  
11 REGULATIONS, BYLAWS AND RULES; PROVIDING  
12 FOR ANNUAL BUDGET APPROVAL; PROVIDING FOR  
13 A REPEAL OF LAWS IN CONFLICT; PROVIDING  
14 FOR SEVERABILITY; PROVIDING FOR INCLUSION  
15 IN THE CODE; AND PROVIDING FOR AN  
16 EFFECTIVE DATE.

17 WHEREAS, the Legislature of the State of Florida has  
18 enacted the "Community Redevelopment Act of 1969"; and

19 WHEREAS, the Act authorizes any county or  
20 municipality to create a separate body corporate and politic  
21 to be known as a community redevelopment agency upon a finding  
22 of necessity; and

23 WHEREAS, the Board of County Commissioners of Palm  
24 Beach County has adopted a Resolution finding that the area  
25 known as the Westgate/Belvedere Homes area is a slum and  
26 blighted area that exists within Palm Beach County, and that  
27 the rehabilitation, conservation and redevelopment of such  
28 area is necessary to the public health, safety, morals and  
29 welfare of the residents of Palm Beach County; and

30 WHEREAS, the Board of County Commissioners has made  
31 a further finding that there is a need for a community  
32 redevelopment agency to function in Palm Beach County to carry  
33 out the community development purposes of the Community  
34 Redevelopment Act of 1969.

35 WHEREAS, the Board of County Commissioners of Palm  
36 Beach County adopted Ordinance No. 89-6, which created the  
37 Westgate/Belvedere Homes Community Redevelopment Agency on May  
38 9, 1989; and

39 WHEREAS, the need exists to amend ordinance 89-6 to:  
40 1) clarify the agency's legal status as a separate entity; 2)  
41 clarify a requirement for membership; 3) provide for the  
42 exercise of certain powers by the Agency to issue regulations,

1 bylaws and rules; and 4) provide for annual budget approval.

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

4 I. Amendment to Section 2

5 Section 2 of Palm Beach County Ordinance 89-6 is  
6 amended to read as follows:

7 Section 2. Creation of the Westgate/Belvedere Homes  
8 Community Redevelopment Agency

9 There is hereby created a public body corporate and  
10 politic to be known as the Westgate/Belvedere Homes Community  
11 Redevelopment Agency, hereinafter referred to as the "Agency".  
12 Said agency shall be a legal entity, separate, distinct and  
13 independent from the Board of County Commissioners of Palm  
14 Beach County, Florida as is required by Florida Statute  
15 163.357.

16 II. Amendment to Section 3.01

17 Section 3.01 of Palm Beach County Ordinance 89-6 is  
18 amended to read as follows:

19 3.01 The agency shall consist of seven (7)  
20 commissioners appointed by the Board of County Commissioners.  
21 Any person may be appointed as a commissioner if he or she  
22 resides or is engaged in business, which shall mean owning a  
23 business, practicing a profession, or performing a service for  
24 compensation, or serving as an officer or director of a  
25 corporation or other business entity so engaged, within the  
26 area of operation of the agency.

27 III. Amendment to Section 3.09

28 Section 3.09 of Palm Beach County Ordinance 89-6 is  
29 amended to read as follows:

30 3.09 The agency shall have the power and authority  
31 to make and issue such regulations, bylaws and rules as it  
32 deems necessary to implement its powers and functions. Such  
33 regulations and bylaws shall be consistent with Part III,  
34 Chapter 163, Florida Statutes and this ordinance as adopted  
35 and amended by the Board of County Commissioners of Palm Beach

1 County, Florida,

2 IV. Amendment to Section 4.01(11)

3 Section 4.01(11) of Palm Beach County Ordinance 89-6  
4 is amended to read as follows:

5 4.01(11) The agency shall submit to the Board of  
6 County Commissioners for its approval its annual budget.  
7 Simultaneous with the submission of its annual budget, the  
8 agency shall also submit an annual redevelopment plan which  
9 shall outline the projects for which the appropriations are  
10 set forth in the budget. The agency is authorized to  
11 appropriate such funds and make such expenditures as is  
12 approved in the annual budget and redevelopment plan. A  
13 fifteen percent deviation from any line item approved in the  
14 budget and/or substantial deviations from the approved  
15 redevelopment plan shall not be made without prior approval of  
16 the Board of County Commissioners.

17 V. Repeal of Laws in Conflict

18 All local laws and ordinances applying to the  
19 unincorporated area of Palm Beach County in conflict with any  
20 provisions of this ordinance are hereby repealed.

21 VI. Severability

22 If any section, paragraph, sentence, clause, phrase,  
23 or word of this ordinance is for any reason held by the Court  
24 to be unconstitutional, inoperative or void, such holding  
25 shall not affect the remainder of this ordinance.

26 VII. Inclusion in the Code of Laws and Ordinances

27 The provisions of this ordinance shall become and be  
28 made a part of the code of laws and ordinances of Palm Beach  
29 County, Florida. The sections of the ordinance may be re-  
30 numbered or relettered to accomplish such, and the word  
31 "ordinance" may be changed to "section", "article", or any  
32 other appropriate word.

33 VIII. Effective Date

34 The provisions of this ordinance shall become  
35 effective upon receipt of acknowledgement by the Secretary of

1 State. .

2 APPROVED AND ADOPTED by the Board of County  
3 Commissioners of Palm Beach County, on the 17th day  
4 of December, 19 91

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

7 By Laure Marcus  
8 Chairman

9 APPROVED AS TO FORM AND  
10 LEGAL SUFFICIENCY

11 James K. Dick  
12 COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By William P. Brown  
DEPUTY CLERK

13 Acknowledgement by the Department of State of the State  
14 of Florida, on this, the 23rd day of  
15 December, 19 91.

16 EFFECTIVE DATE: Acknowledgement from the Department of  
17 State received on the 27th day of December, 19 91,  
18 at 3:44P.M. and filed in the Office of the  
19 Clerk of the Board of County Commissioners of Palm Beach  
20 County, Florida.

21 (WBHCRA.ord)

2 ORDINANCE NO. 89-6

3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 PALM BEACH COUNTY, FLORIDA, RELATING TO AND CREATING  
5 THE WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT  
6 AGENCY; PROVIDING FOR APPOINTMENT OF THE MEMBERS;  
7 PROVIDING FOR THE ORGANIZATION OF THE AGENCY;  
8 PROVIDING FOR THE EXERCISE OF CERTAIN POWERS;  
9 PROVIDING THAT ALL OTHER POWERS CONTINUE TO VEST IN  
10 THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR  
11 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;  
12 AND PROVIDING FOR AN EFFECTIVE DATE.

13 WHEREAS, the Legislature of the State of Florida has enacted  
14 the "Community Redevelopment Act of 1969"; and

15 WHEREAS, the Act authorizes any county or municipality to  
16 create a separate body corporate and politic to be known as a community  
17 redevelopment agency upon a finding of necessity; and

18 WHEREAS, the Board of County Commissioners of Palm Beach County  
19 has adopted a Resolution finding that the area known as the  
20 Westgate/Belvedere Homes area is a slum and blighted area that exists  
21 within Palm Beach County, and that the rehabilitation, conservation and  
22 redevelopment of such area is necessary to the public health, safety,  
23 morals and welfare of the residents of Palm Beach County; and

24 WHEREAS, the Board of County Commissioners has made a further  
25 finding that there is a need for a community redevelopment agency to  
26 function in Palm Beach County to carry out the community redevelopment  
27 purposes of the Community Redevelopment Act of 1969.

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

1 Section 1. AUTHORITY FOR ENACTMENT.

2 This ordinance is enacted pursuant to the Community  
3 Redevelopment Act of 1969, as amended, Chapter 69-305, Laws of Florida.

4 Section 2. CREATION OF THE WESTGATE/BELVEDERE HOMES COMMUNITY  
5 REDEVELOPMENT AGENCY

6 There is hereby created a public body corporate and politic to  
7 be known as the Westgate/Belvedere Homes Community Redevelopment Agency,  
8 hereinafter referred to as the "Agency."

9 Section 3. MEMBERSHIP

10 3.01. The agency shall consist of seven (7) commissioners  
11 appointed by the Board of County Commissioners. Any person may be  
12 appointed as a commissioner if he or she resides or is engaged in  
13 business, which shall mean owning a business, practicing a profession, or  
14 performing a service for compensation, or serving as an officer or  
15 director of a corporation or other business entity so engaged, within the  
16 area of operation of the agency, which shall be coterminous with the area  
17 of operation of the county.

18 3.02. Terms of office of the commissioners shall be for 4 years  
19 except that three of the members first appointed shall be designated to  
20 serve terms of 1, 2 and 3 years, respectively, from the date of their  
21 appointments, and four (4) members shall be designated to serve for terms  
22 of 4 years from the date of their appointments. A vacancy occurring  
23 during a term shall be filled for the unexpired term. A certificate of  
24 the appointment or reappointment of any commissioner shall be filed with  
25 the clerk of the county, and such certificate shall be conclusive  
26 evidence of the due and proper appointment of such commissioner.

27 3.03. A commissioner shall receive no compensation for his  
28 services, but shall be entitled to the necessary expenses, including  
29 traveling expenses, incurred in the discharge of his duties, subject to  
30 prior approval by the Board of County Commissioners.

31 3.04. The powers of a community redevelopment agency shall be  
32 exercised by the commissioners thereof. A majority of the commissioners  
33 shall constitute a quorum for the purpose of conducting business and  
34 exercising the powers of the agency and for all other purposes. Action  
35 may be taken by the agency upon a vote of a majority of the commissioners  
36 present, unless in any case the bylaws shall require a larger number.



1           3.05. The Board of County Commissioners shall designate a chair  
2 and vice chair from among the commissioners.

3           3.06. The agency may employ an executive director, technical  
4 experts, and such other agents and employees, permanent and temporary, as  
5 it may require, and determine their qualifications, duties, and  
6 compensation. For such legal service as it may require, an agency may  
7 employ or retain its own counsel and legal staff.

8           3.07. The agency shall file with the Board of County  
9 Commissioners and with the Auditor General, on or before March 31st of  
10 each year, a certified audit report of its activities for the preceding  
11 fiscal year, which report shall include a complete financial statement  
12 setting forth its assets, liabilities, income, and operating expenses as  
13 of the end of such fiscal year. At the time of filing the report, the  
14 agency shall publish in a newspaper of general circulation in the  
15 community a notice to the effect that such report has been filed with the  
16 county and that the report is available for inspection during business  
17 hours in the Office of the Clerk of the Board of County Commissioners and  
18 in the office of the Agency.

19           3.08. The Board of County Commissioners may remove a commissioner  
20 for inefficiency, neglect of duty, or misconduct in office only after a  
21 hearing and only if he has been given a copy of the charges at least ten  
22 (10) days prior to such hearing and has had an opportunity to be heard in  
23 person or by counsel.

24           3.09. The agency shall have the power and authority to make and  
25 issue such regulations, bylaws and rules as it deems necessary to  
26 implement its powers and functions.

27           3.10. The officers, commissioners and employees of the Agency  
28 shall be subject to the code of ethics as stated in the provisions and  
29 requirements of Part III of Chapter 112, Florida Statutes (1987) and  
30 Section 163.367, Florida Statutes (1987).

31           Section 4. POWERS

32           4.01. The agency shall have the following powers:

- 33           1. The power of eminent domain, subject to prior approval  
34           by the Board of County Commissioners.

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2. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under the Community Redevelopment Act of 1969; to disseminate slum clearance and community redevelopment information; and to undertake and carry out community redevelopment and related activities within the community redevelopment area, which redevelopment may include:

- a. Acquisition of a slum area or blighted area or portion thereof.
- b. Demolition and removal of buildings and improvements.
- c. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of the Community Redevelopment Act of 1969 in accordance with the community redevelopment plan.
- d. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.
- e. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.
- f. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

1 and other public improvements; and to agree to any  
2 conditions that it may deem reasonable and  
3 appropriate which are attached to federal financial  
4 assistance and imposed pursuant to federal law  
5 relating to the determination of prevailing  
6 salaries or wages or compliance with labor  
7 standards, in the undertaking or carrying out of a  
8 community redevelopment project and related  
9 activities, and to include in any contract let in  
10 connection with such a project and related  
11 activities provisions to fulfill such of said  
12 conditions as it may deem reasonable and  
13 appropriate.

14 4. Within the community redevelopment area:

- 15 a. To enter into any building or property in any  
16 community redevelopment area in order to make  
17 inspections, surveys, appraisals, soundings or  
18 test borings and to obtain an order for this  
19 purpose from a court of competent jurisdiction  
20 in the event entry is denied or resisted.
- 21 b. To acquire by purchase, lease, option, gift,  
22 grant, bequest, devise, eminent domain subject  
23 to prior approval by the Board of County  
24 Commissioners, or otherwise, any real property  
25 (or personal property for its administrative  
26 purposes), together with any improvements  
27 thereon.
- 28 c. To hold, improve, clear, or prepare for  
29 redevelopment any such property.
- 30 d. To mortgage, pledge, hypothecate, or otherwise  
31 encumber or dispose of any real property  
32 subject to prior approval by the Board of  
33 County Commissioners.

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of the purposes of this part and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but not be limited to:

- a. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
  - b. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
  - c. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment projects and related activities.
8. To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.
9. To apply for, accept and utilize grants of funds from the Federal Government for such purposes.
10. To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced from a community redevelopment area, and to make relocation payment to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the

1 making of such payments financed by the Federal  
2 Government.

3 11. Subject to prior approval by the Board of County  
4 Commissioners, to appropriate such funds and make  
5 such expenditures annually as are necessary to  
6 carry out the purposes of this part and to enter  
7 into agreements with a housing authority.

8 12. Within its area of operation, to organize,  
9 coordinate, and direct the administration of the  
10 provisions of this part, as they may apply to such  
11 county, in order that the objective of remedying  
12 slum and blighted areas and preventing the cause  
13 thereof within such county may be most effectively  
14 promoted and achieved.

15 4.02. All other powers set forth and contemplated in Chapter 163  
16 of the Florida Statutes continue to vest in the Board of County  
17 Commissioners, including the following powers as set forth in Section  
18 163.358, Florida Statutes (1987):

- 19 1. The power to determine an area to be a slum or blighted  
20 area, or combination thereof; to designate such area as  
21 appropriate for community redevelopment and to hold any  
22 public hearings required with respect thereto.  
23 2. The power to grant final approval to community  
24 redevelopment plans and modifications thereof.  
25 3. The power to authorize the issuance of revenue bonds as  
26 set forth in Section 163.385, Florida Statutes (1987).  
27 4. The power to approve the acquisition, demolition,  
28 removal, or disposal of property as provided in Section  
29 163.370(3), Florida Statutes (1987) and the power to  
30 assume the responsibility to bear loss as provided in  
31 Section 163.370(3), Florida Statutes (1987).

32 **Section 5. REPEAL OF LAWS IN CONFLICT**

33 All local laws and ordinances applying to the unincorporated  
34 area of Palm Beach County in conflict with any provisions of this  
35 ordinance are hereby repealed.

1 Section 6. SEVERABILITY

2 If any section, paragraph, sentence, clause, phrase, or word of  
3 this ordinance is for any reason held by the Court to be  
4 unconstitutional, inoperative or void, such holding shall not affect the  
5 remainder of this ordinance.

6 Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

7 The provisions of this ordinance shall become and be made a  
8 part of the code of laws and ordinances of Palm Beach County, Florida.

9 The Sections of the ordinance may be renumbered or relettered to  
10 accomplish such, and the word "ordinance" may be changed to "section,"  
11 "article," or any other appropriate word.

12 Section 8. EFFECTIVE DATE

13 The provisions of this ordinance shall become effective upon  
14 receipt of acknowledgement by the Secretary of State.

15 APPROVED AND ADOPTED by the Board of County Commissioners of  
16 Palm Beach County, Florida, on the \_\_\_\_\_ day of MAY 9 1989, 1989.

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

19 By Carol Elquist  
20 Chair

21 APPROVED AS TO FORM AND  
22 LEGAL SUFFICIENCY

23 Michel R. Nanku  
24 County Attorney

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By Tina M. Blair  
REPUBLIC CLERK

25 Acknowledgement by the Department of State of the State of  
26 Florida, on this, the 16th day of May, 1989.

27 EFFECTIVE DATE: Acknowledgement from the Department of State  
28 received on the 19th day of May, 1989, at 11:38  
29 filed in the Office of the Clerk of the Board of County Commissioners of  
30 Palm Beach County, Florida.

**WESTGATE/BELVEDERE HOMES CRA  
BOARD OF COMMISSIONERS**

<b>SEAT ID</b>	<b>CURRENT MEMBER</b>	<b>RACE CODE</b>	<b>BUSINESS/ HOME PHONE</b>	<b>REQUIREMENT</b>	<b>APPOINT DATE</b>	<b>EXPIRE DATE</b>
1	Scott Bedford 2501 Westgate Avenue, Ste. #2 West Palm Beach, Fl. 33409	W/M	(561)688-9100	Business Owner	06/19/07	05/31/2009
2	Joseph H. Kirby, III 1649 Forum Place, Suite 11 West Palm Beach, Fl. 33401	WM	(561)689-8989	Business Owner	06/21/2005	05/31/2009
3	Fred Wade, Chair 2501 Westgate Avenue # 1 West Palm Beach, Fl. 33409	WM	(561) 687-3034 (561) 795-2506	Business Owner	06/21/2005	05/31/2009
4	Melanie A. Marvin 2525 Nokomis Avenue West Palm Beach, Fl. 33409	WF	(561) 301-3181 (561) 439-6969	Community Based	05/08/06	05/31/2010
5	Dennis Koehler 2511 Westgate Avenue, Ste. # 7 West Palm Beach, Fl. 33409	WM	(561) 684-2844 (561) 964-9235	Business Owner	06/01/2007	05/31/2011
6	Ronald Daniels 3829 Westgate Avenue, # 4 West Palm Beach, Fl. 33409	WM	(561) 697-4490	Business Owner	06/08/2004	05/31/2008
7	Allen Preston 542 Cherry Road West Palm Beach, Fl. 33409	WM	(561) 358-5313	Community Based	06/21/2005	05/31/2009

**Attachment C**