78-2 Agenda Item #:

PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT SUMMARY

Meeting Date:	9/9/08
Department:	County Administration
Advisory Board:	Florida Atlantic Research & Development Authority

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: reappointment of one (1) individual to the Florida Atlantic Research & Development Authority, effective September 13, 2008:

<u>Nominee</u>	<u>Seat No.</u>	Seat Requirement	Term Expiration	Nominated by:
Michael J. Arts	2	Resident of PBC	09/12/2012	Comm. Marcus Comm. Koons Comm. Kanjian Comm. McCarty Comm. Santamaria Comm. Greene

Summary: Ordinance 85-32 created the Florida Atlantic Research & Development Authority, which is composed of seven (7) members: three (3) members appointed by the Palm Beach County Board of County Commissioners; three (3) members appointed by the Broward Board of County Commissioners; and one (1) member is the President of Florida Atlantic University (FAU) or his/her designee. A memo dated July 23, 2008 was circulated notifying the BCC that Mr. Arts term will expire September 12, 2008, and that Mr. Arts has expressed an interest in serving another four (4) year term. No other nominees were received. Countywide (TKF)

Background and Justification: The Authority is charged with development, operation, management and financing of a research and development park.

Attachments:

1. Board Appointment Information Form

2. Memo dated July 23, 2008 requesting reappointment/nominations

- 3. Current List of Board Members
- 4. Ordinance 85-32 creating the Authority

Recommended by: Agenda Coordinator Legal Sufficiency:

Assistant County Attorney

A. Other Department Review:

Department Director

<u>Part I:</u>							
Board Name: <u>Florida</u>	Atlantic Research	h & Develop	<u>ment Authori</u>	ty			
[X] At Large Ap	opointment	or	[] Distric	ct Appoi	ntment		
Term of Appointment:	4 Years.	From:	09/13/200	8	To: <u>09/12/2</u>	2012	
Seat Requirement: Palr	n Beach County R	esident	· · · ·		Seat #:		
[X]*Reappointm	nent	or	[] New A	ppointm	ient		
or [] to complete term of Completion of term to expire on:	the		Due to:	[]	resignation	[]	other
-	ANT, UNLESS E	XEMPTED,	MUST BE A	- COUNT	Y RESIDEN	Т	
Name: Arts		Mi	chael		T		
	Last		First		M	iddle	
Occupation/Affiliation:	Consultant						
Business Name:							
Business Address:	1119 Southwest	13 th Drive					
City & State	Boca Raton, FL		Z	ip Code:	33486		
Residence Address:							
City & State			Z	ip Code:			
Home Phone:)	Bu	siness Phone:	_(561) 394-9080	Ext.	
Cell Phone: ()	Fax	κ:	()			
Email Address:	la@bellsouth.net	······································					
Mailing Address prefer	ence: [X] Busin	ess Address	[] Residence	e			
Minority Identification [] IF (Native-American [] AF (Asian-American [] BF (African-American [] HF (Hispanic-American [] WF (Caucasian Fema Part III: COMMISSIO	n Female) 1 Female) an Female) can Female) lle) ONER COMMEN	[] AM (A [] BM (A [] HM (H [] HM (H [X] WM (NTS	ative-American Isian-American Ifrican-Americ Ispanic-Ameri Caucasian Ma Caucasian Ma	n Male) can Male can Male)		
Appointment to be made			ist 19, 2008				4.
*When a person is bein conflicts shall be consid	g considered for lered by the Boar	re-appointm d of County	ent, the numb Commissione	per of pr ers.	revious disclo	sed vo	ting
Number of mo							

Number of previously disclosed voting conflicts during the previous term

Signature: <u>Undy Roe Filippo for</u> De Comm. Karen T. Marcus Pursuant to Florida's Public Records Law, this document may be reviewed

and photocopied by members of the public.

7/23/08 Date: ____

Revised 6/2007

Part I:

Board Name:	
[X] At Large Appointment or [] District Appointment	
Cerm of Appointment: 4 Years. From: 09/13/2008 To: 09/12/2012	
Seat Requirement: Palm Beach County Resident Seat #: 2	
[X]*Reappointment or [] New Appointment	
or [] to complete the Due [] resignation [] of to:	other
Completion of term to expire on:	
Part II: APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT	
Name: Arts Michael J.	
Last First Middle	
Occupation/Affiliation: Consultant	
Business Name:	
Business Address: 1119 Southwest 13 th Drive	
City & State Boca Raton, FL Zip Code: 33486	
Residence Address:	
City & State Zip Code:	
Home Phone: () Business Phone: (561) 394-9080 Ext.	
Cell Phone: () Fax:	
Email Address:mjafla@bellsouth.net	
Mailing Address preference: [X] Business Address [] Residence	
Minority Identification Code:[] IF (Native-American Female)[] IM (Native-American Indian Male)[] AF (Asian-American Female)[] AM (Asian-American Male)[] BF (African-American Female)[] BM (African-American Male)[] HF (Hispanic-American Female)[] HM (Hispanic-American Male)[] WF(Caucasian Female)[] WM (Caucasian Male)	
[] IF (Native-American Female)[] IM (Native-American Indian Male)[] AF (Asian-American Female)[] AM (Asian-American Male)[] BF (African-American Female)[] BM (African-American Male)[] HF (Hispanic-American Female)[] HM (Hispanic-American Male)	
 [] IF (Native-American Female) [] AF (Asian-American Female) [] BF (African-American Female) [] BF (African-American Female) [] HF (Hispanic-American Female) [] HM (Hispanic-American Male) [] HM (Hispanic-American Male) [] WF(Caucasian Female) [] WM (Caucasian Male) 	
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 [] IF (Native-American Female) [] IM (Native-American Indian Male) [] AF (Asian-American Female) [] BF (African-American Female) [] BM (African-American Male) [] HF (Hispanic-American Female) [] HM (Hispanic-American Male) [] WF (Caucasian Female) [] WM (Caucasian Male) Part III: COMMISSIONER COMMENTS Appointment to be made at BCC Meeting on: August 19, 2008 *When a person is being considered for re-appointment, the number of previous disclosed voti	ng
[] IF (Native-American Female) [] IM (Native-American Indian Male) [] AF (Asian-American Female) [] AM (Asian-American Male) [] BF (African-American Female) [] BM (African-American Male) [] HF (Hispanic-American Female) [] HM (Hispanic-American Male) [] WF (Caucasian Female) [] HM (Hispanic-American Male) [] WF (Caucasian Female) [] WM (Caucasian Male) Part III: COMMISSIONER COMMENTS Appointment to be made at BCC Meeting on: August 19, 2008 *When a person is being considered for re-appointment, the number of previous disclosed voti conflicts shall be considered by the Board of County Commissioners.	ng

Part I:

Board Name: <u>Florida</u>	Atlantic Research	& Developm	ent Authorit	<u>Y</u>	
[X] At Large A	ppointment	or	[] Distric	t Appointn	nent
Term of Appointment:	4 Years.	From:	09/13/2008	3 То	: 09/12/2012
Seat Requirement: Pal	m Beach County Re	esident		Sea	at #:
[X]*Reappoint	ment	or	[] New A	ppointment	t
or [] to complete	the		Due	[] res	ignation [] othe
term of Completion of term to expire on:			to:		
Part II: APPLIC	CANT, UNLESS EX	XEMPTED, M	IUST BE A C	COUNTY F	RESIDENT
Name: Arts		Micł	nael		J.
· · · · ·	Last		First		Middle
Occupation/Affiliation:	Consultant				
Business Name:		· · · · ·			
Business Address:	1119 Southwest	13 th Drive			
City & State	Boca Raton, FL		Zi	p Code:	33486
Residence Address:					<u></u>
City & State			Zi	p Code:	
Home Phone: ()	Busi	ness Phone:	(561)3	94-9080 Ext.
Cell Phone: ()	Fax:		()	
Email Address:	fla@bellsouth.net				
Mailing Address prefe	erence: [X]Busine	ess Address	[] Residence	e	
Minority Identification [] IF (Native-America [] AF (Asian-America [] BF (African-America [] HF (Hispanic-Amer [] WF (Caucasian Fem	an Female) n Female) can Female) ican Female)	[] AM (As [] BM (Af [] HM (His	tive-American ian-American rican-Americ panic-Americ aucasian Mal	n Male) an Male) can Male)	ale)
Part III: COMMISS	IONER COMMEN	NTS			•
Appointment to be mad	e at BCC Meeting c	on: Augus	t 19, 2008		
*When a person is bei conflicts shall be consi					ious disclosed voting
Number of pre	wiously disclosed v	oting conflict	s during the p	revious ter	m
Signature:	<u></u>		Da	te: <u>7</u>	24/08

Pursuant to Florida's Rublic Records Law, this document may be reviewed and photocopied by members of the public.

Revised 6/2007

Part	I:

Board Name: <u>Florida Atl</u>	antic Research	& Developme	nt Authority	
[X] At Large Appo	ointment	or	[] District A	ppointment
Term of Appointment:	4 Years.	From:	09/13/2008	To:
Seat Requirement: Palm B	Beach County Re	sident		Seat #:
[X]*Reappointmen	nt	or	[] New Appo	intment
or [] to complete the	; ;		L] resignation [] oth
term of Completion of term to expire on:			to:	
Part II: APPLICAN	NT, UNLESS EX	XEMPTED, M	UST BE A CO	UNTY RESIDENT
Name: Arts		Mich	ael	J.
	Last		First	Middle
Occupation/Affiliation:	Consultant			
Business Name:				
Business Address: 1	119 Southwest 1	13 th Drive		
City & State	Boca Raton, FL	· · · · · · · · · · · · · · · · · · ·	Zip C	Code: 33486
Residence Address:	· · · · · · · · · · · · · · · · · · ·			· · · · · · · · · · · · · · · · · · ·
City & State			Zip C	Code:
Home Phone: ()		Busin	ness Phone: _(561) 394-9080 Ext.
Cell Phone: ()		Fax:)
Email Address:mjafla@	@bellsouth.net	×	,,,,	
Mailing Address preferen	nce: [X] Busine	ess Address [] Residence	
Minority Identification C [] IF (Native-American F [] AF (Asian-American F [] BF (African-American [] HF (Hispanic-American [] WF (Caucasian Female)	Female) emale) Female) n Female)	[] AM (Asi [] BM (Afr [] HM (His	ive-American Ir ian-American M ican-American panic-American aucasian Male)	Iale) Male)
Part III: COMMISSION	NER COMMEN	ITS		
Appointment to be made at	t BCC Meeting o	on: August	: 19, 2008	
*When a person is being conflicts shall be consider				of previous disclosed votin
Number of previo	ously disclosed v	oting conflicts	during the prev	vious term
Signature: Mary	The Cart	1 6	/ Date:	8508

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Revised 6/2007

Part l	[:

Board Name: Florida	Atlantic Research & 1	Developme	nt Authorit	<u>Y</u>		
[X] At Large Ap	pointment or		[] Distric	t Appoint	ment	
Term of Appointment:	4 Years.	From:	09/13/2008	8 T	o: <u>09/12/2012</u>	
Seat Requirement: Paln	1 Beach County Reside	ent		S	eat #:2	
[X]*Reappointm	nent or		[] New Aj	ppointme	nt	
or [] to complete t term of Completion of term to expire on:			Due to:	[] re	esignation []	other
Part II: APPLIC	4NT, UNLESS EXEM	IPTED, M	UST BE A C	COUNTY	RESIDENT	
Name: Arts	Last	Mich	ael First		J. Middle	
Occupation/Affiliation:	Consultant					
Business Name:						
Business Address:	1119 Southwest 13 th	Drive				
City & State	Boca Raton, FL		Zi	p Code:	33486	
Residence Address:	анан 			- -		
City & State			Zi	p Code:		
Home Phone: ()	Busir	ess Phone:	(561)	394-9080 Ext.	
Cell Phone: ()	Fax:		()		
Email Address:	a@bellsouth.net			-		
Mailing Address prefer	ence: [X] Business A	Address [] Residence	2		
Minority Identification IF (Native-American AF (Asian-American BF (African-American HF (Hispanic-American HF (Hispanic-American WF (Caucasian Femal)	n Female) [Female) [an Female) [can Female) [] AM (Asi] BM (Afr] HM (Hisp	ve-Americar an-Americar ican-Americ panic-Americ ucasian Mal	n Male) an Male) can Male)		
Part III: COMMISSI	ONER COMMENTS					
Appointment to be made	at BCC Meeting on:	August	19, 2008			
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Number of pres	viously disclosed votin	g conflicts	during the p	revious te	rm	

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Signature:

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the am.

Date: 7/24/08 ed Revised 6/2007

Board Name: _ <u>Florida</u>	Atlantic Research & De	evelopment Authori	<u>Y</u>		
[X] At Large A	ppointment or	[] Distric	t Appointment		
Term of Appointment:	4 Years.	From: <u>09/13/200</u>	8 To: <u>09/12/2012</u>		
Seat Requirement:	m Beach County Residen	t	Seat #: 2		
[X]*Reappoint	ment or	[] New A	ppointment		
or [] to complete term of Completion of term to expire on:	the	Due to:	[] resignation [] other		
Part II: APPLIC	CANT, UNLESS EXEMP	PTED, MUST BE A	COUNTY RESIDENT		
Name: Arts		Michael	J.		
	Last	First	Middle		
Occupation/Affiliation:	Consultant	<u></u>			
Business Name:	-		·		
Business Address: 1119 Southwest 13 th Drive					
City & State	Boca Raton, FL	Zi	p Code: 33486		
Residence Address:		· · · · · · · · · · · · · · · · · · ·			
City & State		Z:	p Code:		
Home Phone: ()	Business Phone:	(561) 394-9080 Ext.		
Cell Phone: ()	Fax:	()		
Email Address:	fla@bellsouth.net	······································			
Mailing Address prefe	rence: [X] Business Ac	ldress [] Residence	3		
Minority Identification [] IF (Native-America [] AF (Asian-America [] BF (African-Americ [] HF (Hispanic-Americ [] WF (Caucasian Fema Part III: COMMISSI	in Female) [] n Female) [] can Female) [] ican Female) []] ale) [X]	IM (Native-American AM (Asian-American BM (African-Americ HM (Hispanic-Americ WM (Caucasian Mal	n Male) an Male) can Male)		
Appointment to be made at BCC Meeting on: August 19, 2008					
*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.					

Number of previously disclosed voting conflicts during the previous term

(aldie Jseene 7 Signature:___ 22 Date: _ 0

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Attachment # ____ ____of Page

MEMORANDUM

County Administration P.O. Box 1989 West Palm Beach, FL 33402-1989 (561) 355-2030 FAX: (561) 355-3982 www.pbcgov.com

> Palm Beach County Board of County Commissioners

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer" Commissioner Addie L. Greene, Chairperson and Members of the Board of County Commissioners

FROM: Patty Hindle, Agenda Coordinator

DATE: July 23, 2008

TO:

RE:

Florida Atlantic Research & Development Authority

The Florida Atlantic Research & Development Authority (Authority) is composed of seven (7) members: three (3) members appointed by the Palm Beach County Board of County Commissioners; three (3) members appointed by the Broward Board of County Commissioners; and one (1) member is the President of Florida Atlantic University (FAU) or his/her designee. The Authority is charged with development, operation, management and financing of a research and development park.

Seat No. 2, is currently held by Mr. Michael J. Arts, who terms expires on September 12, 2008. Mr. Arts, who is eligible for reappointment, has expressed an interest in serving another four (4) year term.

I would like to prepare an agenda item for Board consideration at the August 19, 2008 Board meeting. If you are interested in supporting Mr. Arts' reappointment, please sign and return the attached nomination form by Thursday, July 31, 2008. If you like to recommend a nominee other than Mr. Arts, I have attached a blank Board Appointment Nominee Information Form for your convenience.

If you have any questions, please contact me at 355-3229.

:pah Attachments



PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS** FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

I. AUTHORITY :

Resolution R-84-1745; amended by Ordinance No. 85-32.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

This Board is composed of seven (7) members. The initial terms of the members of the Authority as appointed by their respective County shall be as follows: 1. Palm Beach - 4 years, 2. Palm Beach - 3 years, Palm Beach - 1 year; Broward - 4 years, Broward - 2 years, Broward - 4 years. The President of Florida Atlantic University or his/her designee shall be a permanent member of the Authority. Each member shall continue to serve until a successor has been appointed and qualified. At least three (3) members of the Authority shall be appointed who are employed in the private sector and who are residents of Palm Beach County. Hereafter the BCC shall appoint for terms of four (4) years each a member or members to succeed those PBC representatives whose terms expire. The BCC shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority representing PBC may be removed by the BCC for misfeasance, malfeasance, or willful neglect of duty. The members of the Authority shall receive no compensation for the performance of their duties hereunder, but each such member may be paid necessary expenses incurred while engaged in the performance of such duties, as allowed by law.

IV. MEETINGS :

Third Wednesday of odd-numbered months at 8:00 a.m., alternating locations.

V. FUNCTIONS :

Development, operation, management and financing of a research and development park, and the exercise of the powers conferred by the Ordinance Part V of Chapter 159 Florida Statutes.

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

CONTACT PERSON

County Administration

ADDRESS

Scott Ellington Executive Direc 3701 Fau Blvd Ste 208 Florida Atlantic Research Development Boca Raton FL 33431 Phone # 561-416-6092/5613500927Cel

Page

		FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY						
SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	RE-APPOINT DATE	EXPIRE DATE
Appointed I	By : AT Large							
1	Roxanna Trinka 1400 NW 1st Ct Boca Raton FL 33432	Member	EA	561-417-0700	Palm Beach County Representative	06/08/2003	06/08/2007	06/07/2011
	NOMINATED BY :							
2	Michael Arts 1800 N Dixie Hwy Boca Raton FL 33432	Member	EA	561-395-4433	Palm Beach County Representative	09/13/1996	09/12/2004	09/12/2008
	NOMINATED BY :							
3	Michael Daszkal 2401 NW Boca Raton Blvd Boca Raton FL 33431	Member	EA	561-367-1040	Palm Beach County Representative	05/01/2007		04/19/2010
	NOMINATED BY :							
4	Lonnie Maier 1500 Concord Ter Sunrise FL 33323	Member	UN	-	Broward County Representative	04/01/2007		08/15/2008
	NOMINATED BY :							

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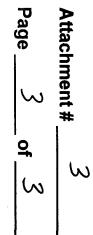
Appointed By : AT Large

5	Robert Swindell	Member	UN	954-627-0219	Broward County Representative	08/28/2005	08/28/2009
	110 E Broward Blvd Ste 199						
	Ft Lauderdale FL 33301						

NOMINATED BY :

7 Larry Lemanski Member UN 561-297-0267 Florida Atlantic University / / 3731 Fau Blvd Boca Raton FL 33431

NOMINATED BY :



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	Attachment #4
	ORDINANCE NO. 85-32 of 9
1	ORDINANCE NO. 85-32
2	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
3	PALM BEACH COUNTY, FLORIDA,
4	
5	PROVIDING DEFINITIONS; PROVIDING FOR THE
6	ESTABLISHMENT OF A RESEARCH AND DEVELOPMENT PARK;
7	PROVIDING FOR MEMBERSHIP, POWERS, AND DUTIES OF THE
8	AUTHORITY; PROVIDING THAT REVENUE BONDS ISSUED BY THE
9	AUTHORITY SHALL NOT PLEDGE THE CREDIT OF THE STATE OF
10	FLORIDA OR THE COUNTY OF PALM BEACH; EXEMPTING BONDS
11	ISSUED BY THE AUTHORITY FROM TAXATION; PROVIDING
12	SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
13	WHEREAS, the Board of County Commissioners of Palm Beach
14	County, Florida, passed Resolution #84-1745 proposing the establishment
15	of a Research and Development Authority for Palm Beach County; and
16	WHEREAS, pursuant to \$23.1491(2), Florida Statutes, the Florida
17	Research and Development Commission has, by its Final Order, issued a
18	designation to the Florida Atlantic Research and Development Authority;
19	and
20	WHEREAS, Section 159.704(3), F.S., states that upon designation
21	of a Research and Development Authority by the Florida Research and
22	Development Commission, the governing body of the County may, by
23	enactment of an ordinance, create the Research and Development Authority.
24	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
25	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:
26	Section 1. This ordinance is enacted by the Board of County
27	Commissioners of Palm Beach County, Florida, pursuant to its powers under
28 1	Part V of Chapter 159, Florida Statutes (ss. 159.701-159.7095, F.S.).
29	Section 2. Definitions As used in this ordinance:
30	(a) "Authority" or "research and development authority"
31	means the public corporation created pursuant to this ordinance and
32	ss.159.701-159.7095, F.S.
33	(b) "Board" means the Board of County Commissioners of
34	Palm Beach County, Florida.

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Attachment # ____4 Page ____2 of 9

1 (c) "Bonds" or "Revenue Bonds" means the bonds authorized 2 to be issued by any authority under ss.159.701-159.7095, F.S., which shall include a single bond, a promissory note or notes, or other debt 3 4 obligations evidencing an obligation to repay borrowed money. 5 (d) "Commission" means the Florida Research and Development Commission created pursuant to ss.23.147, F.S. 6 7 (e) "Costs" as applied to a project, shall embrace the 8 cost of construction; land or rights in land; other property, both real 9 and personal; machinery and equipment; financing charges, including interest; and all other costs necessary for placing the project in 10 operation as defined in the Florida Industrial Development Financing Act. 11 "Costs" shall also include the cost of financial consultants, 12 13 accountants, legal services, engineering and architectural services, 14 feasibility studies, and services by other consultants and such experts as may be selected by the lessee of any such project if the cost thereof 15 shall be paid by the lessee or shall be included as a cost of the project 16 and reimbursed from proceeds of any bond issued to finance the cost of 17 18 such project. 19 (f) "Florida Industrial Development Financing Act" means ss.159.25-159.43, F.S., and any amendments thereto, and the definitions 20 contained therein shall also be applicable to this ordinance and ss. 21 159.701-159.7095, F.S., and to any bonds issued pursuant thereto. 22 23 (g) "Project" means any capital project comprising a research and development park or any part thereof including one or more 24 25 buildings and other structures, machinery, fixtures, equipment, and any rehabilitation or addition to any buildings or structure and machinery 26 and equipment as defined in the Florida Industrial Development Financing 27 Act. 28 Section 3. Creation of the Research and Development Authority. 29 There is hereby created a public body corporate and politic to be known 30 as the Florida Atlantic Research and Development Authority, hereafter 31 referred to as Authority. The Authority is constituted as a public 32

instrumentality for the purposes of development, operation, management
and financing of a research and development park, and the exercise by the
authority of the powers conferred by this ordinance and by Part V of

2

CORDINANCE NO. 85.32

Attachment # Page 3 of Chapter 159, F.S., or similar statutes, and as such statutes may from 1 time to time be amended, shall be deemed and held to be the performance 2 3 of an essential public purpose and function. 4 Section 4. Membership of the Authority. 5 (a) The initial terms of the members of the Authority as 6 appointed by their respective county shall be as follows: 7 1. Palm Beach4 years 8 2. Palm Beach 3 years 3. Palm Beachl year 9 10 4. Broward4 years 11 5. Broward2 years 12 6. Broward4 years The President of Florida Atlantic University or his/her designee shall be 13 a permanent member of the Authority. Each member shall continue to serve 14 until a successor has been appointed and qualified. At least three 15 members of the Authority shall be appointed who are employed in the 16 private sector and who are residents of Palm Beach County. 17 18 (b) Hereafter the Board of County Commissioners of Palm Beach County shall appoint for terms of four (4) years each a member or 19 members to succeed those Palm Beach County representatives whose terms 20 expire. The Board shall fill any vacancy for an unexpired term. A 21 member of the Authority shall be eligible for reappointment. Any member 22 23 of the Authority representing Palm Beach County may be removed by the Board for misfeasance, malfeasance, or willful neglect of duty. 24 25 Each member of the Authority before assuming office shall take and subscribe the oath or affirmation required by the State Constitution. 26 A record of each such oath shall be filed with the Department of State 27 and with the Clerk of the Circuit Court. 28 29 (c) The Authority shall annually elect one of its members as Chairman and one as Vice-Chairman and may also appoint a Secretary who 30 shall serve at the pleasure of the Authority and who shall receive such 31 32 compensation as may be fixed by the Authority. 33 (d) The Secretary shall keep a record of the proceedings of the Authority and shall be custodian of all books and records of the 34 35 Authority and of its official seal. ORDINANCE NO. 85.32

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Attachment # ____

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	Page <u>4</u> of <u>9</u>
1	(e) Four (4) members of the Authority shall constitute a
2	quorum and the affirmative vote of the majority of the members present
3	shall be necessary for any action taken by the Authority. No vacancy in
4	the membership of the Authority shall impair the right of a quorum to
5	exercise all rights and perform all the duties of the Authority. Any
6	action taken by the Authority under the provisions of this ordinance and
7	ss.159.701-159.7095, F.S., may be authorized by resolution at any regular
8	or special meeting and each such resolution shall take effect immediately
9	and need not be published or posted.
10	(f) The members of the Authority shall receive no
11	compensation for the performance of their duties hereunder, but each such
12	member may be paid necessary expenses incurred while engaged in the
13	performance of such duties, as allowed by law.
14	(g) The Authority may appoint such other officers as it
15	may deem necessary, who may receive such compensation as may be fixed by
16	the Authority.
17	Section 5. Powers of the Authority.
18	The Authority is authorized and empowered:
19	(a) To have perpetual succession as a body politic and
20	corporate and to adopt by-laws for the regulation of its affairs and the
21	conduct of its business.
22	(b) To adopt an official seal and alter the same at its
23	pleasure.
24	(c) To maintain an office at such place or places as it
25	may designate.
26	(d) To sue and be sued in its own name and to plead and
27	be impleaded.
28	(e) To enter into contracts and to act to advance for any
29	of the purposes enumerated in this ordinance and ss.159.701-15.7095,
30	F.S., and also in the Florida Industrial Development Financing Act.
31	(f) To issue revenue bonds or other debt obligations
32 33	repayable solely from revenues derived from the sale, operation or
34	leasing of such capital projects subject to the approval of the Board of
35	County Commissioners of Palm Beach County, for projects situated in Palm Beach County.
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of G1 (g) To exercise all powers in connection with the 2 authorization, issuance, and sale of revenue bonds to finance the costs 3 of capital projects conferred upon counties, municipalities, special districts and other local governmental bodies by the Florida Industrial 4 Development Financing Act. The issuance of such bonds for projects 5 6 situated in Palm Beach County shall be subject to approval by the Board 7 of County Commissioners of Palm Beach County. All of the privileges, benefits, powers and terms of said Act shall be fully applicable to the 8 Florida Atlantic Research and Development Authority. Industrial 9 10 Development Revenue Bonds may be authorized, issued and sold by the Florida Atlantic Research and Development Authority in compliance with 11 the criteria and requirements set forth in this ordinance and the Florida 12 Industrial Development Financing Act. The bonds of each issue shall be 13 14 dated, bear interest at such rate or rates, mature at such time or times, be redeemable prior to maturity at such price or prices, be in such 15 denominations, contain such recitals and be sold for such price or prices 16 17 in such manner as provided in said Act. Projects may be acquired, constructed, leased, operated or sold in the manner provided in said Act; 18 19 and the items of costs as enumerated therein may be included at project costs. The repayment of bonds issued by the Florida Atlantic Research 20 and Development Authority may be secured by trust agreements or security 21 22 agreements as set forth in said Act; and fees, rents and charges for the use of any project, may be collected and fixed by the Authority in the 23 manner provided in said Act. All monies received pursuant to the 24 25 provisions of this ordinance and ss.159.701-159.7095, F.S., shall 26 constitute trust funds as provided in the Florida Industrial Development 27 Financing Act. The remedies provided by said Act shall also be applicable to bonds issued pursuant to this ordinance and 28 ss.159.701-159.7095, F.S., and bonds of the Authority may be refunded in 29 the manner provided therein and shall be eligible for investment as 30 31 provided in said Act. 32

(h) To acquire by lease, purchase or option, real or personal property for use as a site for the location of a research and 33 34 development park project as defined in the Florida Industrial Development Financing Act. The Florida Atlantic Research and Development Authority 35

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shall have the power to prepare sites for use as the location of a research and development park and may construct thereon access roads, drainage facilities, utilities and other improvements necessary for ultimate use by research and development projects. The acquisition, development and financing of such sites may be in the manner provided in this ordinance and ss.159.701-159.7095, F.S., as well as in the Florida Industrial Development Financing Act.

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8 (i) In any case in which an addition to a project is financed or in which less than the entire project is financed or 9 refinanced by industrial redevelopment bonds, to secure the issuance and 10 11 repayment of such bonds by a lease, mortgage or other security instrument 12 encumbering only the capital improvements which are financed by the Florida Atlantic Research and Development Authority. Such lease, 13 mortgage, or other security instrument may include a security interest in 14 15 both the land and personal property or may include a lease, mortgage or other security instrument sufficient for the purpose encumbering only the 16 personal property, including machinery and equipment, which is being 17 18 financed. In financing projects, the Florida Atlantic Research and Development Authority may lease such projects to the industry which is 19 the ultimate user until the debt obligations issued for such purpose are 20 21 retired, or it may sell such capital projects to the industry using the project on an installment purchase contract or other type of purchase 22 contract with such security instruments or trust agreements as the 23 Florida Atlantic Research and Development Authority shall deem adequate, 24 in which case the transaction shall be deemed to be a sale and not a 25 26 lease of such projects.

(j) Other provisions of law to the contrary
notwithstanding, to acquire by lease, without consideration, purchase, or
option, any lands owned, administered, managed, controlled, supervised or
otherwise protected by this State or any of its agencies, departments,
boards, or commissions for the purpose of establishing a research and
development park.

33 (k) To transact any and all lawful business not
34 inconsistent with this ordinance and applicable Florida statutes, and to

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Page 7 of 9 have and exercise all powers and authority necessary or convenient to 1 2 effect its lawful purposes.

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(a) The revenue bonds issued by the Florida Atlantic 4 5 Research and Development Authority shall not be deemed to constitute a 6 debt, liability or obligation of any authority or Palm Beach County or of 7 the State of Florida or any political subdivision thereof; and such 8 revenue bonds or debt obligation shall be payable solely from revenues derived from the sale, operation, or leasing of a project or projects. 9

Section 6. Credit of State or County not pledged.

10 (b) All bonds issued under the provisions of this ordinance and ss.159.701-159.7095, F.S., shall have, and are declared to 11 have, all the qualities and incidents, including negotiability, of 12 investment securities under the Uniform Commercial Code. 13

14 (c) Bonds may be issued under the provisions of this ordinance and ss.159.701-159-7095, F.S., without obtaining, except as 15 otherwise provided in this ordinance and ss.159.701-159.7095, F.S., the 16 consent of any department, commission, board, bureau or agency of this 17 state and without any other proceedings or the happening of any 18 19 conditions, except those which are specifically required by the 20 provisions of this ordinance, the resolution authorizing the issuance of 21 such bonds or the trust agreement securing same.

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Section 7. Tax Exemptions.

23 The exercise of all powers granted by this ordinance and ss.159.701-159.7095, F.S., in all respects will be for the benefit of the 24 people of this state, for the increase of their industry and prosperity 25 26 and the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of 27 28 essential public functions.

29 The Florida Atlantic Research and Development Authority shall 30 not be required to pay any taxes on any project or any other property 31 owned by the Authority under the provisions of this ordinance and ss.159.701-159.7095, F.S., or upon the income therefrom, and the bonds 32 33 issued under the provisions of this ordinance and ss.159.701-159.7095, F.S., their transfer and the income therefrom, including any profit made 34 35 on the sale thereof, shall at all times be free from taxation by the

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Page <u>S</u> of <u>9</u> 1 State of Florida or any local unit or political sub-subdivision or other 2 instrumentality of this state. Nothing in this section, however, shall 3 be construed as exempting from taxation or assessments the leasehold 4 interest of any lessee of any project or any property or interest owned 5 by any lessee. The exemption granted by this section shall not be 6 applicable to any tax imposed by Chapter 220, F.S., on interest, income, 7 or profits on debt obligations owned by corporations.

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Section 8. Issuance of Bonds.

9 The bonds issued under this ordinance and ss.159.701-159.7095, 10 F.S., may be validated in the manner prescribed by Chapter 75, F.S.

Section 9. Severability.

12 If any provision of this ordinance or the application thereof 13 to any person or circumstance is held invalid, the invalidity shall not 14 affect other provisions or applications of the ordinance which can be 15 given effect without the invalid provision or application, and to this 16 end the provisions of this ordinance are declared severable.

Section 10.

18 That the Board hereby authorizes the appropriation of the sum 19 of Fifty Thousand (\$50,000) Dollars to the Authority, pursuant to a 20 written agreement, to be signed by the County Administrator, which shall 21 provide the general terms regarding the expenditure, use and accounting 22 of such funds by the Authority.

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Section 11.

This ordinance shall take effect upon the filing with the Office of the Secretary of State in the manner prescribed by Section 125.66, F.S.

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REPEAL OF LAWS IN CONFLICT

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

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INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to

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Attachment # 9 Page _____ of accomplish such, and the word "ordinance" may be changed to "section," 1 "article," or any other appropriate word. 2 3 EFFECTIVE DATE 4 The provisions of this ordinance shall become effective upon 5 receipt of acknowledgement by the Secretary of State. 6 APPROVED AND ADOPTED by the Board of County Commissioners of 7 Palm Beach County, Florida, on the 24th day of September, 1985. 8 PALM BEACH COUNTY, FLORIDA, BY ITS 9 BOARD OF COUNTY COMMISSIONERS 10 By 、 A 11 Chairman 12 APPROVED AS TO FORM AND 13 LEGAL SUFFICIENCY aureen 14 15 County Attorney 16 Acknowledgement by the Department of State of the State of Florida, on this, the <u>3rd</u> day of October 17 , 19 85 . EFFECTIVE DATE: Acknowledgement from the Department of State 18 19 received on the <u>7th</u> day of <u>October</u> _, 19<u>85</u>, at 4:30 P. M., and filed in the Office of the Clerk of the Board of County 20 Commissioners of Palm Beach County, Florida. 21

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