

Agenda Item #: 3A1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 24, 2009

Consent Regular
 Public Hearing

Submitted By: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE AND FILE WITH THE CLERK OF THE CIRCUIT COURT the bond for Steven L. Abrams, a newly appointed County Commissioner of Palm Beach County.

Summary: A newly appointed County Commissioner must secure bonding for presentation to the Board of County Commissioners for approval pursuant to Section 137.01, Florida Statutes. Section 137.01 now requires that such official bonds must be approved by the Board and then filed with the Clerk of the Circuit Court. Countywide (PFK)

Background and Justification: Steven L. Abrams was appointed by the Governor of the State of Florida to fill the term of office for the District 4 commission seat vacated by former County Commissioner Mary McCarty.

Attachments:

1. Bond documents on appointed Commissioner Steven L. Abrams.

Recommended by: _____

County Attorney

Date

DM Newman 3/16/09

Approved by: _____

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
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 ___

Budget Account No.: Fund ___ Department ___ Unit ___ Object ___
Reporting Category _____

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

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

No fiscal impact

[Signature] 3-16-09
OFMB SN 3/16/09 CN 3/16/09

[Signature] 3/17/09
Contract Development and Control

B. Legal Sufficiency:

Paul F. [Signature] 3/16/09
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

State of Florida
Secretary of State
Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250
Public Official Bond

County of Palm Beach

Bond No. 8962903

KNOW ALL MEN BY THESE PRESENTS, That we, Steven L. Abrams
(Official's Name)
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND
as Surety, are bound unto the Governor of the State of Florida, and his successors in office, in the sum of Two Thousand and no/100 Dollars, we hereby bind ourselves and each of our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas, said official was elected appointed County Commissioner of District 4
(Name of Office)
for a term beginning March 24, 2009 and ending November 23, 2010 and until his/her successor is qualified according to the Constitution and Laws of the State of Florida.

NOW, THEREFORE, If the official shall faithfully perform the duties of his/her office as provided by law, this obligation is void.

Steven L. Abrams
X 
(Signature of Official)

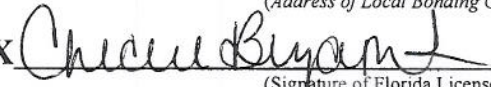
Signed and Sealed this 18th day of March, 2009

P.O. Box 1227 Baltimore, MD 21203-1227
(Address of Main Surety Company)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Wells Fargo Insurance Services (Name of Local Bonding Company)

2054 Vista Parkway #400 WPB, FL 33411
(Address of Local Bonding Company)

(SEAL)

By X 
(Signature of Florida Licensed Agent)

D068679
(Social Security Number of Florida Licensed Agent)

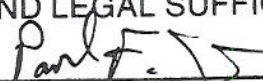
Checree Bryant, Attorney-In-Fact
(Type Name of Florida License Agent)

The above is approved this _____ day of _____,

Signature: _____

Approved by: _____

lbond.doc (2/04)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Checree BRYANT, Malcolm G. MCCAMPBELL and Sam L. ELLINGTON, all of West Palm Beach, Florida, EACH** its true and lawful agent and Attorney in Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sam L. ELLINGTON, Malcolm G. MCCAMPBELL, Brian Douglas COTTRELL, dated November 24, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 25th day of March, A.D. 2008.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

By: *Gregory E. Murray Assistant Secretary* *Theodore G. Martinez*

State of Maryland }
City of Baltimore } ss:

On this 25th day of March, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn *Notary Public*
My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 18th day of March, 2009.

Gerald F. Haley

Assistant Secretary

OATH OF OFFICE
STATE OF FLORIDA

County of Palm Beach

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

County Commissioner of Palm Beach County
(Office)

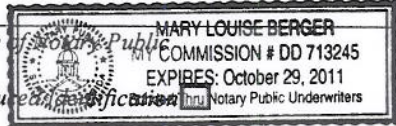
on which I am now about to enter, so help me God.

Steven L. Abrams
Signature

Sworn to and subscribed before me this 16th day of March

Mary Louise Berger
Signature of Officer Administering Oath or of Notary Public - State of Florida)

Print, Type, or Stamp Commissioned Name of Notary Public MARY LOUISE BERGER
COMMISSION # DD 713245
EXPIRES: October 29, 2011
Personally Known OR Produced Identification from Notary Public Underwriters
Type of Identification Produced _____



ACCEPTANCE

I accept the office of County Commissioner of Palm Beach County, District 4

_____ . The above is the Oath of Office taken by me.

In addition to the above office I also hold the office of N.A.

Mailing Address: Home Office
301 North Olive Avenue, 12th Floor
Street or Post Office Box
West Palm Beach, FL 33401
City, State, Zip Code

Signature:
Steven L. Abrams
_____ as you desire commission issued
Steven L. Abrams
Signature