

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT SUMMARY

Meeting Date: July 7, 2009
Department: Housing and Community Development
Advisory Board: Westgate/Belvedere Homes Community Redevelopment Agency
Submitted For: Westgate/Belvedere Homes Community Redevelopment Agency

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) the appointment of the following individual to serve the term July 7, 2009, through May 31, 2013 to the Westgate/Belvedere Homes CRA Board:

<u>Name</u>	<u>Seat No.</u>	<u>Nominated By</u>
Joanne M. Ruffy	7	Commissioner John F. Koons

- B) the re-appointment of the following individuals to serve a term of four (4) years beginning on June 1, 2009 through May 31, 2013 to the Westgate/Belvedere Homes CRA Board.

<u>Name</u>	<u>Seat No.</u>	<u>Nominated By</u>
Scott Bedford	1	Commissioner John F. Koons
Joseph H. Kirby	2	Commissioner John F. Koons
Frederick G. Wade	3	Commissioner John F. Koons

Summary: The Westgate/Belvedere Homes (CRA) Board consists of seven (7) at large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners (BCC) appoint the CRA Commissioners. Seats 1,2,3 and 7 are designated to serve for terms of four (4) years, ending May 31. After duly advertising, the CRA held its Annual Meeting on May 11, 2009 to re-appoint candidates to fill seats 1, 2 and 3. Scott Bedford, Joseph H. Kirby and Frederick G. Wade have expressed a willingness to remain on the CRA Board in Seats 1, 2 and 3. Joanne M. Ruffy, a resident, has expressed a willingness to serve on the CRA Board in Seat 7. All candidates were nominated by the CRA Board members and residents to be recommended to the Board of County Commissioners. District 2 (TKF)

Background and Justification: The Westgate/Belvedere Homes Community Redevelopment Agency was created by the Board of County Commissioners (BCC) pursuant to Ordinance No.89-6, adopted in May, 1989 and amended by Ordinance No. 91-50, adopted in March, 1991. The CRA By-Laws provide for Board Members and the public to nominate prospective candidates for CRA Board Commissioners and to forward the nominations to the Palm Beach County Board of County Commissioners for appointment.

Attachments:

- A. Board Appointment Form (4)
- B. Ordinance No. 89-6, amended by No. 91-50
- C. Advisory Board Members

Recommended by: *Edward W. Romo* 6/23/09
 Department Director Date

Approved by: *[Signature]* 6/26/09
 Senior Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review

Department Director

ORDINANCE NO. 91-50

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 [Signature]
8 Chairman

9 APPROVED AS TO FORM AND
10 LEGAL SUFFICIENCY

11 [Signature]
12 COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK
Board of County Commissioners

13 [Signature]
14 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 Elvington
20 Chair

21 APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY

23 Michelle R. Nankie
24 County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By John M. Blair
REPUBLIC CLERK '89

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**

SEAT ID	CURRENT MEMBER	RACE CODE	BUSINESS/ HOME PHONE	REQUIREMENT	APPOINT DATE	EXPIRE DATE
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	06/19/2007	05/31/2011
6	Ronald Daniels 3829 Westgate Avenue, # 4 West Palm Beach, Fl. 33409	WM	(561) 697-4490	Business Owner	06/08/2004	05/31/2012
7	Vacant					

Attachment C