

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

60-3

Meeting Date: August 14, 2012

Department: Planning, Zoning & Building

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustments and Appeals

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: Reappointment/Appointment of one of the following named individuals to the Construction Board of Adjustment and Appeals (CBAA) for the term of August 14, 2012 to August 13, 2013:

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Arnold Rich	8	Alternate Citizen At Large	Comm. Vana Comm. Burdick

OR

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Margie Walden	8	Alternate Citizen At Large	Comm. Abrams Comm. Aaronson Comm. Taylor

Summary: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. Arnold Rich is nominated by Commissioner Shelley Vana and Commissioner Paulette Burdick. Margie Walden is nominated by Commissioner Steven L. Abrams, Commissioner Burt Aaronson and Commissioner Priscilla Taylor. Appointment of one of the individuals above will also correct action taken at the July 10, 2011, whereby these individuals were inadvertently appointed as District 7 appointees. The seat has a term of office of one year. In the transition of new staff performing duties of the Clerk of the Board, Mr. Rich was not given the opportunity to retain his seat at the last appointment. The nominations represent the Alternate Citizen At-Large member of the Board as required by Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition. The Board is comprised of seven (7) members consisting of one registered architect; one registered engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to these members, there should be two (2) alternate members, one member with the qualifications referenced above and one member At Large from the public. A memorandum from the Building Division was sent to the BCC on May 29, 2012 requesting nominations for Seat 8. There were no other nominations. (Building Division) Countywide (SF)

Background and Justification: The Construction Board of Adjustment and Appeals shall have the power, as further defined in 113.3, to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes. The Board shall establish rules and regulations for its own procedure not consistent with the provisions of this code. The Board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received. This advisory committee membership has 8 currently filled seats and a diversity count of White: 8. The gender ratio (male:female) is 7:1

Attachments:

1. Board Appointment Application Form with Resumes
2. Memo to Commissioners on May 29, 2012
3. Attendance Record
4. Section 113 of the Palm Beach County Amendments to the Florida Building Code, 2010 Edition

Recommended By: Rebecca Caldwell 7/19/12
Department Director Date

Legal Sufficiency: M. For 7/20/12
Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. **Further, please attach a biography or résumé to this form.**

Section I (Department): (Please Print)

Board Name: Construction Board of Adjustments and Appeals Advisory Not Advisory

At Large Appointment or District Appointment / District #: _____

Term of Appointment: 1 Years. From: August 14, 2002 To: August 13, 2003

Seat Requirement: Citizen-At-Large Seat #: 8

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other

Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: 0

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: WALDEN MARGIE Joy
Last First Middle

Occupation/Affiliation: _____
Owner Employee Officer

Business Name: _____

Business Address: _____

City & State: _____ Zip Code: _____

Residence Address: 6103 CALADIUM RD.

City & State: Delray Beach FL Zip Code: 33484

Home Phone: () Business Phone: () Ext. _____

Cell Phone: 601 699-4011 Fax: ()

Email Address: mjwalden1@bellsouth.net

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- By watching the training program on the Web, DVD or VHS
- By attending a live presentation given on _____, 20__

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: [Signature] Printed Name: MARGIE JOY WALDEN Date: 3/8/12

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Ashley Salvati, Palm Beach County Building Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: [Signature: Steven Abrams] Date: 6/4/12

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Name: WALDEN MARGIE Joy
 Last First Middle

Occupation/Affiliation: _____
 Owner Employee Officer

Business Name: _____

Business Address: _____
 City & State _____ Zip Code: _____

Residence Address: 6103 CALADIUM RD.
 City & State Delray Beach FL Zip Code: 33484

Home Phone: () Business Phone: () Ext. _____

Cell Phone: 601 699-4011 Fax: ()

Email Address: mjwalden1@bellsouth.net

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No
 If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

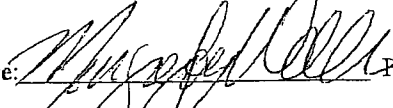
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- By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:


*Applicant's Signature:  Printed Name: MARGIE SOY WALDEN Date: 3/8/12

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
 Ashley Salvati, Palm Beach County Building Division
 2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature:  Date: 6-26-12

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Name: WALDEN MARGIE Joy
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Occupation/Affiliation: _____
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Business Name: _____
 Business Address: _____
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Residence Address: 6103 CALADIUM RD.
 City & State Del Ray Beach FL Zip Code: 33484
 Home Phone: () Business Phone: () Ext. _____
 Cell Phone: 561 699-4011 Fax: ()
 Email Address: mywalden1@bellsouth.net

Mailing Address Preference: Business Residence
 Have you ever been convicted of a felony: Yes _____ No
 If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

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Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

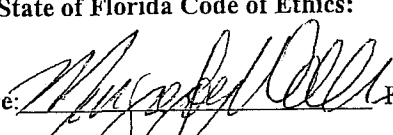
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Ashley Salvati, Palm Beach County Building Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature:  Date: 6/25/2012

Margie J. Walden
6103 Caladium Road
Delray Beach, FL 33484
Cell: (561) 699-4011
E-mail: mjwalden1@bellsouth.net

EXPERIENCE:

ALLIANCE OF DELRAY RESIDENTIAL ASSOCIATIONS, INC. Delray Beach, FL
EXECUTIVE VICE PRESIDENT January 2009-present
Oversees all programming and membership for this civic organization of 76 homeowner and condo communities representing 90,000 people in Delray Beach.

PALM BEACH COUNTY SPORTS COMMISSION
BOARD OF DIRECTORS April 2009-present
Appointed to serve on this Board to increase tourism by bringing sporting events to Palm Beach County

RUTH RALES JEWISH FAMILY SERVICE (RRJFS) Boca Raton, FL
DIRECTOR OF DEVELOPMENT January 2008-October 2008
Directed staff to raise funds for RRJFS counseling and educational programs offered throughout south Palm Beach County.
*Directed all fund raising activities, special events, annual solicitations, major gifts and planned giving raising \$300,000+ in eight months
*Initiated strategic partnerships with corporate donors
*Developed policies and procedures for donor recognition and directed database improvements
*Directed Board member committees for special events and financial resource development
*Educated the community about RRJFS programs and services and created an integrated marketing plan

SMALL ASSOCIATION MANAGEMENT, INC. Delray Beach, FL
CONSULTANT January 2007-October 2007
Served as the Executive Director for the Florida Academy of Audiology with the major responsibility of raising funds and marketing the annual meeting.
* Raised \$71,000 in direct sponsorships from major corporations
* Directed the annual meeting planning for 250 and supervised all accommodations, menu planning and the design of the exhibit hall
* Organized all speaker travel and audio visual requirements
* Provided Board support with meeting planning and minutes

CAMPAIGN FOR FLORIDA STATE REPRESENTATIVE, DISTRICT 90
CONSULTANT June 2006-October 2006
Served as an advisor to Harvey Arnold in his campaign for State Representative, District 90.
* Supervised fund raising efforts and organized activities for the community to meet the candidate
* Reviewed all publications and advised on public relations and marketing
* Wrote speeches and coached the candidate for delivery

FLORIDA ATLANTIC UNIVERSITY Boca Raton, FL 33431
CHARLES E. SCHMIDT COLLEGE OF SCIENCE
DIRECTOR OF DEVELOPMENT January 2005-May 2006
Directed staff to raise funds for FAU's Charles E. Schmidt College of Science and to educate the community about research being conducted in the Departments of Biological Sciences, Biomedical Science, Chemistry & Biochemistry, Geosciences, Mathematics, Physics, and Psychology.
* Directed all fundraising activities, special events, annual solicitations, major gifts and planned giving for scholarships, programs, and research raising over \$900,000
* Supervised all marketing and public relations activities including media relations and the development of a new brochure and web materials.
* Directed a twenty-five member Advisory Board of high level executives from Miami-Dade, Palm Beach and Broward counties and supervised all committee activities increasing participation by 85%
* Enhanced strategic alliances with community organizations, foundations and corporations

BACHMANN-STRAUSS DYSTONIA & PARKINSON FOUNDATION, New York, NY 10029

EXECUTIVE DIRECTOR

January 2001-January 2004

Directed a staff of four, outside consultants, and teams of volunteers to raise funds for cutting-edge research for dystonia and Parkinson's disease, and to raise awareness of these diseases within the public and medical communities.

- * Directed all fundraising activities, special events, annual solicitations, major gifts, and planned giving raising over \$6 million from 2001-2004
- * Collaborated with Board of Directors on all activities and developed the program and materials for all meetings
- * Developed, implemented, and monitored budget of \$1.7 million+
- * Directed hiring of office staff, interns, volunteers, and consultants
- * Directed production and distribution of all public relations and communications materials, such as newsletters, brochures, Annual Report, and web site

AMERICAN INSTITUTE OF CHEMICAL ENGINEERS (AIChE), New York, NY

MANAGER, MEMBER ACTIVITY GROUPS

1998-December 2000

Managed staff of six with a budget of \$1 million+ for providing consultations, publications, and training to AIChE's leaders in over 300 local affiliates and technical societies.

- * Conducted on-site consultations worldwide with local affiliates in strategic planning, marketing, fundraising, and programming
- * Supervised production of publications, guides, and brochures in print and online
- * Managed all aspects of two annual leadership training conferences, negotiated all contracts, and increased attendance by 31%, the number of corporate sponsors by 65%, and corporate funding by 36%

GIRL SCOUTS OF THE USA, New York, NY

MEMBERSHIP AND PROGRAM CONSULTANT

1996-1998

Served as a consultant to 42 Girl Scout Councils with total membership of 500,000 and budgets in excess of \$60 million

- * Provided on-site consultation, training, and technical expertise to Girl Scout Councils for marketing and membership extension with 4.5% membership increase in 1 year
- * Developed, wrote, and coordinated production of content for membership and program publications with emphasis on multi-cultural marketing and global affairs

TAIWAN INTERNATIONAL ALLIANCE, New York, NY

EXECUTIVE DIRECTOR

1993-1996

Directed this organization of four with the goal of developing strategies to increase Taiwan's recognition in the United States and the international arena

- * Provided strategic counsel to former Vice President Annette Lu and Taiwan government officials
- * Supervised a promotional campaign to educate the diplomatic community about Taiwan, served as spokesperson, and lectured at national and international conferences

EDUCATION:

Institute for Multi-Track Diplomacy, Washington, DC. Diplomacy Training
SUNY College of Environmental Science, Graduate Program, Syracuse, NY
SUNY Buffalo, Buffalo, NY. Bachelor of Arts, Magna Cum Laude, Phi Beta Kappa

PUBLICATIONS:

Go Global, Girl Scouts of the USA, New York, NY 1999.
Girl Scouting and the American Indian Community, Girl Scouts of the USA, New York, NY 1999.
"A Perspective on Taiwan Independence and the Concept of Nation-State", *Taiwan Independence and Limitations to the Nation-State Concept*, The Pacific Institute/The Asia Institute, pp. 122-133, 1997.

AWARDS:

2002 Dalton Pen Communications Award: Award of Merit for the 2001 Bachmann-Strauss Dystonia & Parkinson Foundation Annual Report

ADDITIONAL BOARDS & APPOINTMENTS:

Board member, West Atlantic Development Coalition (WARC), Delray Beach, FL 2010-present
Commission member, Allegheny Franciscan Ministries, Palm Beach Region, 2010-present
Family Caregiver Advocate, Arden Courts Alzheimer's Assisted Living, Delray Beach, FL 2009-present
Board of Directors, Dover House, Delray Beach, FL (managed by Landex Resorts International, Inc.) 2006-present

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APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Rich Arnold M
Last First Middle

Occupation/Affiliation: Retired
Owner Employee Officer

Business Name: Delta Airlines
Business Address: ATLANTA AIRPORT
City & State: _____ Zip Code: _____

Residence Address: 6287 Long Key Ln.
City & State: Boynton Beach FL. Zip Code: 33472
Home Phone: (561) 742-7208 Business Phone: () Ext.
Cell Phone: (561) 601-6289 Fax: ()
Email Address: Troubles.FOLKS@comcast.NET

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female Native-American Hispanic-American Asian-American African-American Caucasian

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AND

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*Applicant's Signature *Arnold Rich* Printed Name: Arnold Rich Date: 3-7-12

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

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 2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: *Shelley Varva* Date: 6/6/12

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

Revised 08/01/2011

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Name: Rich Arnold M
Last First Middle

Occupation/Affiliation: Retired

Owner Employee Officer

Business Name: Delta Airlines

Business Address: ATLANTA Airport

City & State: _____ Zip Code: _____

Residence Address: 6287 Long Key Ln.

City & State: Boynton Beach FL. Zip Code: 33472

Home Phone: (561) 742-7208 Business Phone: () Ext. _____

Cell Phone: (561) 601-6289 Fax: ()

Email Address: Troubles.FOLKS@comcast.NET

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

By watching the training program on the Web, DVD or VHS
 By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: *Arnold Rich* Printed Name: Arnold Rich Date: 3-7-12

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Ashley Salvati, Palm Beach County Building Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: *Pamette Burdick* Date: 6/25/2012

Arnold M. Rich
6287 Long Key Lane
Boynton Beach, FL 33472
561-742-7208
Cell – 561-601-6289
FAX 561-742-7279

2004 – to present – Volunteer Coordinator at Park Vista Community High School. I have recruited 650 volunteers since the school opened; and we have given to the school over 100,000 hours of volunteer time.

I was a member of the Palm Beach County Construction Board of Adjustment and Appeals for seven years, from 2004 to 2011.

2004 – Palm Beach County Certified Emergency Response Team Leader.

2003 – Trained and am now in charge of 13 AED's at Park Vista High School, and have trained more than 70 community residents in the use of AED's.

2002 – Became a Home Health Care Volunteer for Hospice of Palm Beach County.

January 1997 through November 1998- worked through Delta Staffing Services in the Technical Operations Department of Delta Airlines, working in the area of powerplant, putting together repair and specification orders on all engine types and engine parts. I was asked to teach a special course in troubleshooting and repairing Delta aircraft. My office was in the new Delta North Technical Operations Facility. During that period of time, as an instructor, I trained several hundred personnel.

April 1996 through October 1996- worked as Assistant Venue Security Manager for the Atlanta Committee for the Olympic Games and as Venue Security Manager for the Atlanta Paralympic Organizing Committee, both at Wolf Creek shooting venue.

In August 1995, I accepted a project with Delta Airlines. This project consisted of disassembling an L-1011 aircraft. There were seven handpicked men involved and it took approximately five months to complete.

1959-1993 Delta Airlines - Retired as a Supervisor, Line Maintenance, Technical Operations, supervising more than 30 systems and avionics mechanics in all phases of aircraft, scheduled and unscheduled maintenance. These mechanics were a highly skilled crew specializing in difficult and repetitive aircraft problems. This included being available to service aircraft with unique problems at any of Delta's domestic locations. During my years with Delta, I was a mechanic, lead mechanic, inspector and foreman.

I was in charge of signing off mechanics, lead mechanics, inspectors and foreman on run-up and taxiing procedures on all aircraft.

Licenses: A & P
Radio Telephone Operator
Taxi and Taxi check on all Delta aircraft



MEMORANDUM

TO: The Honorable Shelley Vana, Chair, and Members of the Board of County Commissioners

FROM: Richard E. Gathright, Interim Building Official
Building Division *Richard E. Gathright*

DATE: May 29, 2012

RE: At-Large Alternate Vacancy – Construction Board of Adjustments and Appeals

ITEM: An At-Large vacancy for Alternate Seat 8 needs to be filled on the Construction Board of Adjustments and Appeals (CBAA). The requirement for the seat is to be a member from the public at large. The Building Division has received two applications for the single vacancy from interested, qualified parties: former member Arnold Rich, and current member Margie Walden. In the transition of new staff performing duties of the Clerk of the Board, Mr. Rich was not given the opportunity to retain his seat at the last appointment.

BACKGROUND: The Construction Board of Adjustments and Appeals is comprised of 9 members. All members of the Board are appointed by a majority vote of the Board of County Commissioners. Terms of office are for three years and there is no limit on the number of terms a person may serve.

DISPOSITION: The applications and resumes for the candidates are attached for your review. If you have an additional nomination for this seat, please have the information included on the attached blank form provided. Please return your nomination to the Building Division before June 8, 2012. Staff will prepare an Agenda Item for the July 10th BCC meeting.

If you would like to nominate one of these candidates, please sign the applicable "Boards/Committee Application" form and return to Building Division.

If you have any questions, you may contact me at 233-5101.

Attachment

c: Verdenia Baker, Deputy County Administrator, County Administration
Rebecca Caldwell, Executive Director, Planning, Zoning & Building
Arnold Rich
Margie Walden

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Chair

Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

SECTION 113
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

113.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The applicable governing body shall appoint the Board.

113.2 Membership and Terms

113.2.1 Membership. The Construction Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

113.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

113.2.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4 Appeals

113.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The Construction Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

113.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

113.5 Procedures of the board.

113.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in Florida Statute 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the LCRB has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the LCRB represents. The LCRB may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the LCRB represents. Notification of and information concerning such permit denial shall be submitted to the division within 15 days after the LCRB decides to deny the permit.