

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

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**Meeting Date:** February 5, 2013

**Department:** PLANNING, ZONING & BUILDING

**Submitted By:** ZONING DIVISION

**Advisory Board Name:** LAND DEVELOPMENT REGULATION ADVISORY BOARD

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Appointment of one (1) new member to the Land Development Regulation Advisory Board (LDRAB), for the term from March 27, 2013 to February 2, 2016.

Appoint One (1) new member

<u>Nominee</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
James M. Brake	18	None (Alternate)	Commissioner Vana

**Summary:** The Board is comprised of 19 members. The Unified Land Development Code (ULDC) provides for seven members appointed by the Board of County Commissioners (BCC) (one from each Palm Beach County (PBC) Commissioner as a district appointment) with consideration of expertise in Art. 2.G.3.A.3.b., Qualifications; ten members that are appointed by a majority of the BCC upon a recommendation by specific organizations: Residential Builder: Gold Coast Builders; Municipal Representative: PBC League of Cities; Engineer: Florida Engineering Society; Architect: American Institute of Architects; Environmentalist: Environmental Organization; Realtor: The PBC Board of Realtors; Surveyor: Florida Surveying and Mapping Society; Citizen Representative: Condominium/HOA Association; Commercial Builder: Association General Contractors of America; and AICP Planner: PBC Planning Congress; and two members appointed at-large, as alternates, by majority vote of the BCC, with consideration of the expertise in Art. 2.G.3.A.3.b., Qualifications. These appointments/reappointments are consistent with the ULDC requirements. Unincorporated (LB).

Please see attached memo dated December 12, 2012 from the Zoning Director regarding a request for nomination for the vacant at-large alternate seat. Staff received one nomination from Commissioner Vana for your consideration.

**Background and Justification:** The LDRAB shall periodically review the provisions to the ULDC that are not reviewed by another advisory board established by the BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed; to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and to serve as Land Development Regulation Commission (LDRC) as provided by F.S.§ 163.3164(22) and F.S.§ 163.3194. The Board consists of 19 members with 17 seats currently filled and a diversity count of Asian: 1 (5.88%), Black: 1 (5.88%), Native American: 1 (5.88%) and White: 14 (82.36%). The gender ratio (male:female) is 12:5.

**Attachments:**

1. Board Appointment Information Form
2. Resume of Nominee
3. Unified Land Development Code, Article 2, Chapter G, Section 3.A
4. Memo December 12, 2012-Zoning Director to BCC, Alternate Appointment

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**Recommended By:** Rebecca Caldwell 1/16/13  
Department Director Date

**Legal Sufficiency:** [Signature] 1/17/13  
Assistant County Attorney Date

**I. REVIEW COMMENTS**

**A. Other Department Review:**

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**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: Land Development Regulation Advisory Board (LDRAB) Advisory  Not Advisory   
 At Large Appointment or  District Appointment /District #: \_\_\_\_\_  
Term of Appointment: 3 Years. From: 3/27/2013 To: 2/2/2016  
Seat Requirement: No special requirement but w/consideration of expertise in landscape architecture; redevelopment; fiscal impact analysis, land use/real estate law; natural sciences; or business development. Seat #: 18  
 \*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: Brake James M  
Last First Middle  
Occupation/Affiliation: Real Estate Consultant  
Owner  Employee  Officer   
Business Name: Coldwell Banker  
Business Address: 901 North Congress Ave, Ste B-102  
City & State: Boynton Beach, FL Zip Code: 33426  
Residence Address: 701 SW 27th Terrace  
City & State: Boynton Beach, FL Zip Code: 33435  
Home Phone: \_\_\_\_\_ Business Phone: 561-736-1560 Ext. \_\_\_\_\_  
Cell Phone: 561-699-3232 Fax: \_\_\_\_\_  
Email Address: jamesbrake@aol.com

Mailing Address Preference:  Business  Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X

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

**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: James M Brake Date: 1/4/13

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

Return this FORM before **September 21, 2012** to:  
Patricia Rice, Senior Secretary  
Palm Beach County  
PZ&B/Zoning Division  
2300 North Jog Road  
West Palm Beach, FL 33411-2741

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: [Signature] Date: 1/28/13

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

Revised 08/01/2011

**James M. Brake**  
**(561) 699-3232 JamesMBInc@aol.com**

**Profile:**

Real estate agent with an educational background in political science, strong social networking skills and well-developed verbal and written communication skills.

**Experience Summary:**

- Planning and Development Board Member, Boynton Beach, current
- Realtor Association of the Palm Beaches, Government Affairs Committee Member, current
- Greater Boynton Beach Chamber of Commerce, Government Affairs Committee Member, current
- Political Activist and City Liaison, Boynton Beach, March 2009 to present
- Flood Mitigation Taskforce, Boynton Beach, March 2012- Sept 2012
- Sister Cities Committee, Boynton Beach, Vice-President, 2011 to 2012
- Brand Promise Committee, Boynton Beach, 2011 to 2012
- City Charter Review Committee, Boynton Beach, Vice-Chair, July 2011 to March 2012
- Code Compliance Advisory Board Member, Boynton Beach, March 2009 – 2011
- Sister Cities Committee, Boynton Beach, Board Member, 2010 to present

**Other related:**

- Biz Pac Political Training Institute, Fall 2011
- Graduated Greater Boynton Beach Chamber of Commerce Leadership Course, 2010
- Graduated Boynton Beach City Services, 2010
- St. Louis 8<sup>th</sup> Ward IDWA Executive Board Member, Corresponding Secretary, 1999
- Person of the Year 1999 Shaw Neighborhood Improvement Association

**Campaigns and Projects**

South Seacrest Cleanup, Boynton Beach, 2011-2012  
Business Consultant for Print with Design 2006 - 2011

**Education:**

Bachelor of the Arts in Political Science. May 2005  
License for Florida Real Estate Agent. May 2005  
License for Commodity Trader May 2002 (inactive)

**Employment History:**

Real Estate Agent, Coldwell Banker, May 2005 to present  
Licensed Commodity Trader, J.C. Leeman, May 2002 – May 2003

Previous experience upon request.

**James M Brake**  
710 SW 27<sup>th</sup> Terrace  
Boynton Beach, FL 33435  
561-699-3232  
[JamesMBinc@aol.com](mailto:JamesMBinc@aol.com)

James M. Brake was born in St. Louis to an engineer (Mike) and property manager (Mary). He was the oldest of four boys. He was very involved throughout his community even at a very young age. He worked on several projects that earned him recognition amongst the local improvement association. In early 2000 he moved to Florida with his fiancé. He worked his way through college and graduated from Florida Atlantic University in 2005 having earned a BA in Political Science. Also, in 2005 he got his real estate license and started work at Coldwell Banker. In 2009 his wife and he bought a home in Boynton Beach and James became an advisory board member on the Code Compliance Advisory Board. After a little more than two years he took an opening on the Planning and Development Advisory Board.

Besides advisory boards, James has been very involved with other boards and committee such as the government affairs committee of both the Greater Boynton Beach Chamber of Commerce and the Realtors Association of the Palm Beaches. He also served on the city's Charter Review committee, Brand Promise Committee, Sister Cities Committee and Floodwater Mitigation Taskforce. James is passionate and serious about service to his community.

Throughout 2010 and 2011 James took various courses and seminars to further his effectiveness as a board member and committee member. They included BizPac Political Training Institute, the Greater Boynton Beach Leadership Program and Boynton Beach City Services Institute.

James M. Brake is taking his civil service to the next level with his bid to be the next Boynton Beach District 3 Commissioner. Since, he will have to step down from Boynton Beach's Planning and Development Board upon election and there is an opening on Palm Beach County's LDR Advisory Board it would be the perfect time to make that switch as well.

**Section 3 APPOINTED BODIES**

**A. Land Development Regulation Advisory Board**

**1. Land Development Regulation Advisory Board**

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

**2. Powers and Duties**

The LDRAB shall have the following powers and duties under the provisions of this Code:

- a. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
- b. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
- c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164(22) and F.S. § 163.3194.

**3. Board Membership**

**a. Appointment**

- 1) The LDRAB shall be composed of 17 members and two at-large alternate members.
- 2) Ten of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 2.G.3.A, LDRAB Expertise.
- 3) Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications.
- 4) The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications.

**b. Qualifications**

- 1) The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 2.G.3.A, LDRAB Expertise.
- 2) Each BCC appointment shall be with consideration in the following areas of expertise:
  - a) Landscape Architecture.
  - b) Redevelopment Expertise.
  - c) Fiscal Impact Analysis Expertise.
  - d) Land Use/Real Estate Law.
  - e) Natural Sciences.
  - f) Business Development.
- 3) No more than two members of the LDRAB shall represent the same occupation or business. **[Ord. 2010-022]**

**Table 2.G.3.A - LDRAB Expertise**

<b>Occupations</b>	<b>Organizations</b>
1. Residential Builder	Gold Coast Builders
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Florida Surveying and Mapping Society.
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress
<b>[Ord. 2010-022]</b>	

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**c. Terms of Office**

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

**4. Staff**

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

**5. Meetings**

**a. General**

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

**b. Subcommittees**

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]

**B. Code Enforcement Special Master**

**1. Creation and Appointment**

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary.

**2. Qualification**

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

**3. Powers and Duties**

Special Master shall have the following powers and duties:

- a. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such as nature that it cannot be corrected;
- b. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
- c. to issue subpoenas compelling the production of evidence at code enforcement hearings;
- d. to take testimony under oath;
- e. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;
- f. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;
- g. to lien property; and
- h. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.

**4. Rules of Procedure**





**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](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Steven L. Abrams, Chairman

Priscilla A. Taylor, Vice Chair

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

**County Administrator**

Robert Weisman

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**MEMORANDUM**

**TO:** The Honorable Commissioner Steven Abrams, Chair,  
and Members of the Board of County Commissioners

**FROM:** Jon MacGillis, ASLA, Zoning Director  
Zoning Division

**DATE:** December 12, 2012

**RE:** Appointment to the Land Development Regulation Advisory Board  
(LDRAB) – At-Large Alternate Member - Seat # 18

The purpose of this memo is to request a nomination for the vacant alternate member seat on the LDRAB. The Alternate Seat #18 has been vacant since January 26, 2010. The position was held by Mr. Brian Waxman who turned in his resignation. The Seat #18 appointment on the LDRAB will expire February 7, 2012. The Unified Land Development Code (ULDC) provides for membership on the LDRAB. The LDRAB reviews amendments to the ULDC and makes recommendations to the BCC. The LDRAB also sits as the Land Development Regulation Commission (LDRC) to ensure the amendments are consistent with the Comp Plan. Membership includes an appointment from each commission district, 10 appointments recommended by various organizations, and 2 At-Large Alternate members appointed by a majority vote of the BCC.

Although no specific experience requirements are necessary, consideration should be given to applicants with expertise in Landscape Architecture, Redevelopment, Fiscal Impact Analysis, Land Use/Real Estate Law, Natural Sciences or Business Development.

Please forward your recommendation for a new appointment to the LDRAB at your earliest convenience. Your recommendation will be placed at a regularly scheduled Board of County Commissioners hearing on or before February 5, 2013 when existing appointment terms expire.

If you have any questions, please contact me at 561-233-5223, or Patricia Rice, Senior Secretary, at (561) 2233-5234.

**Attachments:** Board Appointment Form  
Brian Waxman Resignation Letter  
Article 2.G.3.A, LDRAB Duties/Membership

**c:** Verdenia Baker, Deputy County Administrator  
Rebecca Caldwell, Executive Director, PZ&B  
William Cross, Principal Site Planner  
Appointment File

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**ATTACHMENT 4**