

AGENDA ITEM SUMMARY

Submitted For:

1. Resolution

Approved By:  9/2/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<i>* see below</i>	=====	=====	=====	=====
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No: Fund _____ Department _____ Unit _____ RSource _____
 Reporting Category _____

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

** No fiscal impact.*

C. Departmental Fiscal Review: *CM Sumner*

III. REVIEW COMMENTS

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

JPH *9/3/13*
 OFMB *HN 8/30*
Am 9/3/13

Dr. J. Jacob *9/4/13*
 Contract Dev. and Control
9-4-13 B. Jacob

B. Legal Sufficiency:

Anne Helgent *9-5-13*
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. 2013-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING RESOLUTION 2012-0435; PROVIDING FOR THE CREATION OF A CITIZENS' COMMITTEE ON AIRPORT NOISE; PROVIDING FOR NATURE OF APPOINTMENTS; PROVIDING FOR DUTIES OF CITIZENS' COMMITTEE; PROVIDING FOR TERM OF MEMBERSHIP; PROVIDING FOR FILLING OF VACANCIES; PROVIDING FOR RULES OF CITIZENS' COMMITTEE; PROVIDING FOR SECRETARY TO CITIZENS' COMMITTEE; PROVIDING FOR TRAVEL EXPENSES, REIMBURSEMENT AND APPROVAL AUTHORITY; PROVIDING FOR COMPLIANCE WITH UNIFORM POLICY FOR ADVISORY BOARDS AND COMMISSIONS; PROVIDING FOR COMPLIANCE WITH PALM BEACH COUNTY CODE OF ETHICS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, by and through its Department of Airports, owns and operates the Palm Beach International Airport ("PBIA" or "Airport"); and

WHEREAS, on March 20, 2012, the Board of County Commissioners ("Board") repealed Resolution 82-804, as amended by Resolutions 90-1344, 94-1060 and 2002-0544, and adopted Resolution 2012-0435, pertaining to the Citizens' Committee on Airport Noise; and

WHEREAS, on February 5, 2013, the Board adopted Resolution 2013-0193, establishing uniform policies and procedures for Palm Beach County advisory boards, committees and commissions; and

WHEREAS, the Board desires to repeal and replace Resolution 2012-0435, so the Citizens' Committee conforms to the uniform policies and procedures for Palm Beach County advisory boards, committees and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.

Section 2. Repeal of Resolution 2012-0435. Resolution 2012-0435 shall be repealed effective upon adoption of this Resolution.

Section 3. Creation of Citizens' Committee on Airport Noise. There is hereby established an advisory board to be known as the "Citizens' Committee on Airport Noise" (the "Citizens' Committee"). The Citizens' Committee shall be composed of eleven (11) members. Members of the Citizens' Committee shall be appointed by the Board and have the following representative classifications:

(A) Seven (7) members shall be recommended, one (1) each, by the seven (7) County Commissioners;

(B) One (1) member shall be recommended by the Palm Beach County League of Cities;

(C) One (1) member shall be recommended by the Good Neighbor Council for Aircraft Noise Control;

(D) One (1) member shall be recommended by the Economic Council of Palm Beach County; and

(E) One (1) member shall reside in and represent the area within the Town of Palm Beach and be recommended by the Palm Beach Town Council.

Section 4. Nature of Appointments. The Citizens' Committee shall be composed of representatives living in the vicinity of Palm Beach International Airport and representatives of the Good Neighbors Council for Aircraft Noise Control, municipalities and any other interested groups as determined by the Board. One member should be chosen to represent the aviation community. The following criteria may be considered when selecting this representative: the member should be involved and have significant experience in any of the following disciplines: General Aviation - small, privately owned/operated aircraft; Corporate Aviation - an individual operating, piloting or managing a 14 CFR Part 91 aircraft fleet; or Commercial Aviation - an individual operating, piloting or managing a 14 CFR Part 121 or Part 135 operation or fleet.

Section 5. Duties of Citizens' Committee. The Citizens' Committee shall serve as an advisory board to the Department of Airports and the Board regarding topics which include potential noise mitigation methods and may suggest programs, concepts and resolution of complaints to the Department of Airports. The Citizens' Committee shall place emphasis upon obtaining input from the public as to the extent of the noise problem at Palm Beach International Airport and recommendations for possible noise mitigation actions.

Section 6. Term of Membership. The members of the Citizens' Committee shall serve at the pleasure of the Board. The term of membership for all appointees shall be three (3) years, subject to reappointment by the Board. Terms shall begin on October 1st and end on September 30th. Existing member's terms shall end on September 30th of the year in which their term expires. Beginning on or after March 1, 2013, no member shall be appointed or reappointed to the Citizens' Committee for more than three (3) consecutive three (3) year terms. Vacancies occurring during a term shall be filled for the unexpired term, and shall not count toward the member's term limits.

Section 7. Filling of Vacancies. A vacancy on the Citizens' Committee, not occurring by expiration of term, shall be filled by the Board by appointment for the unexpired term upon the recommendation of the person or entity making the initial recommendation of said member. Members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend more than one-half (1/2) of the meetings scheduled during a calendar year. Participation for less than three-fourths (3/4) of a meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the Citizens' Committee and such removal shall create a vacancy, unless otherwise provided by statute or other binding rule.

Section 8. Rules of Citizens' Committee. The Citizens' Committee may adopt Rules of Procedure and should meet four times per year and may call additional meetings if necessary to carry out the functions of said committee. All meetings of the Citizens' Committee shall be open to the public.

Section 9. Secretary to Citizens' Committee. A Department of Airport staff member shall serve as secretary to the Citizens' Committee and shall be responsible for transmitting recommendations to the appropriate agency.

Section 10. Travel Expenses, Reimbursement and Approval Authority. Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill Citizens' Committee responsibilities when sufficient funds have been budgeted and are available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long distance phone calls to the liaison County department. Approval authority for pre-authorized Citizens' Committee travel is

designated to the County Administrator and Deputy County Administrator and shall be in accordance with Countywide Policy and Procedures memoranda PPM CW-F-009.

Section 11. Compliance with Uniform Policy for Advisory Boards and Commissions. This Resolution and the Citizens' Committee are expressly subject to all uniform policies for advisory boards and commissions as established by the Board pursuant to Resolution 2013-0193, as may be amended. In the event of any conflict between this Resolution or any amendments hereto, and the aforesaid Resolution 2013-0193, as may be amended, the latter shall prevail over the former.

Section 10. Compliance with Palm Beach County Code of Ethics. Advisory Board members shall comply with the applicable provisions of the Palm Beach County Code of Ethics as codified in Section 2-254 through 2-260 of the Palm Beach County Code.

Section 11. Severability. If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 12. Effective Date. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Steven L. Abrams, Mayor -
- Commissioner Priscilla A. Taylor, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Paulette Burdick -
- Commissioner Shelley Vana -
- Commissioner Mary Lou Berger -
- Commissioner Jess R. Santamaria -

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2013.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

**SHARON R. BOCK,
CLERK & COMPTROLLER**

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY
By: Anne Delgent
Assistant County Attorney