

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

---

---

Meeting Date: October 1, 2013	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
	<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing

---

---

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

---

---

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution repealing and replacing Resolution 2009-0319, which created the Natural Areas Management Advisory Committee (NAMAC); and providing for re-creation of NAMAC as presently constituted, for membership, for conditions of appointment, for meetings and organization, for duties and functions, that Committee action is advisory only, for assistance to the Committee, for ratification and providing for an effective date.

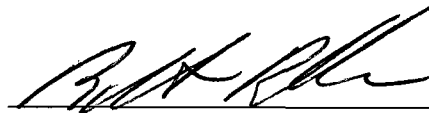
**Summary:** On March 1, 2013, the Board of County Commissioners adopted Resolution 2013-0193, which established uniform policies and procedures applicable to all advisory boards created by Palm Beach County. Resolution 2013-0193 provides that no advisory board member shall serve more than three consecutive three year terms. To make the Resolution establishing NAMAC consistent with this directive, and to set all NAMAC member three (3)-year terms from October 1 to September 30<sup>th</sup>, it is necessary to repeal and replace Resolution 2009-0319 to provide for term limits consistent with Resolution 2013-0193. Countywide (SF)

**Background and Justification:** On March 1, 2013, the Board of County Commissioners adopted Resolution 2013-0193, which established uniform policies and procedures applicable to all advisory boards created by Palm Beach County. The uniform policies and procedures for advisory boards provide that no advisory board member may serve more than three consecutive three year terms. Currently, the NAMAC Resolution does not include term limits for advisory board members. Therefore, it is necessary to repeal the original Resolution 2009-0319 and replace it with a new Resolution that will recreate the NAMAC advisory board and will provide for the desired conditions of appointment which include term limits consistent with Resolution 2013-0193.

**Attachments:**

1. Resolution
  2. Resolution 2009-0319
- 
- 

Recommended by:

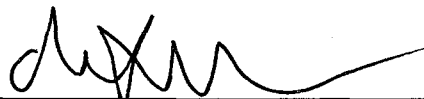


Department Director

8/20/13

Date

Approved by:



County Administrator

9/2/13

Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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


There is no fiscal impact associated with this item.

**C. Department Fiscal Review:**



**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

 8/23/2013  
OFMB 8/22 ce Contract Administrator  
8/22/13

**B. Legal Sufficiency:**

  
Assistant County Attorney

**C. Other Department Review:  
Property and Real Estate Management**

\_\_\_\_\_  
Department Director

**RESOLUTION NO. R-2013-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION 2009-0319; PROVIDING FOR ESTABLISHMENT OF THE NATURAL AREAS MANAGEMENT ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR CONDITIONS OF APPOINTMENT; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING THAT COMMITTEE ACTION IS ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR RATIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County (the "Board") created the Natural Areas Management Advisory Committee by adoption of Resolution 94-1051, on August 16, 1994, to review and comment on management plans developed by staff for environmentally sensitive lands purchased or leased by the County and to hold public hearings on these plans prior to final adoption by the Board; and

**WHEREAS**, Resolution 94-1051 was amended by Resolutions 95-1455, 99-1188 and 2003-0713; and

**WHEREAS**, the aforementioned Resolutions were repealed and replaced by Resolution 2009-0319; and

**WHEREAS**, and over the course of time and changing directives from the Board, certain portions of the Resolution 2009-0319 have become obsolete, and the Board wishes to repeal the existing Resolution pertaining to the Natural Areas Management Advisory Committee in order to remove the obsolete provisions and to provide term limits for committee members consistent with Board direction in the Uniform Policies and Procedures for Palm Beach County Advisory Boards, Resolution 2013-0193.

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

Section 1. Creation. Upon adoption of this Resolution by the Board, there is created and established a committee to be known as the Palm Beach County Natural Areas Management Advisory Committee (the "Advisory Committee" or "Committee").

Section 2. Purpose. The purpose of the Advisory Committee is to review and comment on management plans developed by staff for natural areas and conservation lands managed by the Palm Beach County Department of Environmental Resources Management ("ERM"), with a

specific focus on proposed public uses of these sites, and to make recommendations to staff on possible changes to each plan prior to making a recommendation to the Board on approval of the plan.

Section 3. Membership.

A. The Advisory Committee shall have seven (7) members who shall be appointed at large by the Board according to the provisions set forth herein. The composition of the Committee shall be as follows:

1. One (1) member with experience in the management of natural areas.
2. One (1) biological scientist.
3. One (1) professional educator with knowledge of South Florida ecosystems.
4. One (1) representative of a local municipal government parks and recreation program.
5. One (1) member of the Palm Beach County Parks and Recreation Department staff.
6. Two (2) citizens having an interest in preservation and conservation of natural areas.

B. Appointment of individuals to the Advisory Committee.

1. The Board, acting as a whole, shall appoint seven (7) individuals to fulfill the requirements of subparagraphs A.1-6 of this section.
2. The Board shall make its appointments from a list of nominees submitted by Board members or by ERM, which shall solicit nominees in order to fulfill the requirements of subparagraph A.1-6 of this section.
3. All members of the Advisory Committee except the citizen representatives shall have expertise in biology/ecology, conservation of natural resources, environmental education, environmental land management, or public recreation. Each nominee, except nominees for a citizen advisory position, shall submit to ERM written evidence of his or her expertise in any of the above.

C. All appointments except for a vacancy shall be for a term of three (3) years. Terms shall commence on October 1<sup>st</sup> of the year appointed and terminate on September 30<sup>th</sup> three years later. Existing members' terms shall expire on September 30<sup>th</sup> of the year in which their term expires. A member appointed to fill the remaining term of a vacancy shall serve until the expiration of the unfulfilled term and this service shall not count toward the member's term limits. No member shall be reappointed without approval by the Board at one of its regular meetings.

Section 4. Conditions of Appointment.

A. Beginning on or after March 1, 2013, no person shall be appointed or reappointed to the Advisory Committee for more than three consecutive three year terms.

B. County employees shall not be appointed to the Advisory Committee, except that an employee of the School District of Palm Beach County may be appointed as a representative of the education community, as specified in subparagraph A.3. of Section 3 of this Resolution, and that an employee of the Palm Beach County Department of Parks and Recreation shall serve on the Advisory Committee, as specified in subparagraph A.5 of Section 3 of this Resolution.

C. An Advisory Committee member who is an employee of a local government shall not represent specific interests of the local government on Advisory Committee issues.

D. Resolution 2013-0193, as amended or replaced by other uniform policies and procedures pertaining to all advisory boards established by the Board of County Commissioners, is incorporated in this Resolution by reference.

Section 5. Meetings and Organization.

A. The Advisory Committee shall establish a regular time and place to hold business meetings. Reasonable public notice of all Advisory Committee business meetings, field trips and public hearings shall be provided, and all such business meetings, field trips and public hearings shall be open to the public at all times and shall allow public comment.

B. A quorum must be present for the conduct of Advisory Committee business meetings. A majority of the members appointed shall constitute a quorum. All business meetings shall be governed by Robert's Rules of Order.

C. The Advisory Committee shall adopt any rules of organization and procedures that may be required. The Advisory Committee may elect a chairperson and vice chairperson, may establish subcommittees for specific subjects or tasks, and may invite participation in a subcommittee by nonmembers in order to obtain input from other sectors of the public interested in the management of natural areas and the duties of the Advisory Committee.

Section 6. Duties and Functions. The Advisory Committee shall have the following duties and functions:

A. To review and comment on initial and revised management plans developed by staff for natural areas and conservation lands managed by ERM, in accordance with the requirements of the Palm Beach County Natural Areas Ordinance (No. 94-13), as may be amended from time to time.

B. To hold a public hearing on each management plan, as required, to solicit input from the public.

C. To consider oral and written public comments at hearings and at Advisory Committee business meetings.

D. To make a recommendation to the Board regarding the approval of each management plan reviewed by the Advisory Committee.

E. To review and comment on conceptual site plans prepared by staff as part of grant applications for funding for acquisition and/or management of natural areas.

F. To review and comment on staff-proposed interim changes to management plans.

G. To review the results of ongoing monitoring of natural areas to determine whether management goals are being met.

H. To make recommendations to staff regarding policies related to the management of the natural areas.

I. To periodically review management plans for possible modification.

Section 7. Assistance to the Committee. The Advisory Committee may call upon any department or other agency of the County, regional, state, federal or local governments for information or advice in the performance of its work. Staff from ERM shall provide administrative support to the Advisory Committee. The County Attorney's Office shall act as

legal counsel to the Advisory Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Advisory Committee.

Section 8. Committee Action Advisory Only. The actions, decisions and recommendations of the Advisory Committee are advisory only and shall not be binding on the Board or County staff.

Section 9. Ratification. Notwithstanding anything contained herein, this Resolution also hereby acknowledges, ratifies, and confirms all actions of the Advisory Committee known as the Natural Areas Management Advisory Committee as was previously approved and organized by the Board of County Commissioners prior to the formal adoption of this Resolution. This Resolution hereby acknowledges, ratifies, and confirms the appointment of each currently-serving member of the Advisory Committee appointed pursuant to Resolution 2009-0319, and each such member shall continue to serve on the Advisory Committee until September 30<sup>th</sup> of the final year of such member's three (3)-year term established under the previously existing Resolution 2009-0319.

Section 10. Severability. If any section, sentence, clause, phrase, or word of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holdings shall in no way affect the validity of the remaining portions of the Resolution.

Section 11. Repeal of Resolution 2009-0319.

This Resolution expressly repeals and supersedes Palm Beach County Resolution 2009-0319, except to the extent that certain actions taken thereunder are ratified as provided herein.

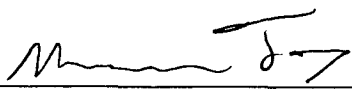
Section 12. Effective Date. The provisions of this Resolution shall become effective upon approval by the Board of County Commissioners.

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.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

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

SHARON R. BOCK, CLERK

By: \_\_\_\_\_  
Deputy Clerk



Resolution No. 2013- 0193

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING AND UPDATING THE UNIFORM POLICIES AND PROCEDURES FOR PALM BEACH COUNTY ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS; REPEALING RESOLUTIONS R95-1806, R2002-1606, R2010-1941, AND R2011-0946 RESPECTIVELY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, is served by a number of advisory boards, committees, commissions, task forces, and authorities which have been established by the Board of County Commissioners from time to time; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R95-1806, which established uniform policies and procedures for said advisory boards; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R2002-1606, which established attendance policies for said advisory boards; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, adopted Resolution R2010-1941, providing for approval authority to the County Administrator and Deputy County Administrator for advisory board member travel; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida adopted Resolution R2011-0946, which modified the policy to allow a County employee to serve on said advisory board when County employee is an elected official within Palm Beach County; and

**WHEREAS**, it is desirable to repeal Resolutions R95-1806, R2002-1606, R2010-1941, and R2011-0946 and reestablish up-to-date policies into one all encompassing

---

document which includes specific procedures to ensure compliance with the Board of County Commissioners directives.

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

**Section 1. Repeal of Prior Resolutions**

Resolutions R95-1806, R2002-1606, R2010-1941, and R2011-0946 are repealed in their entirety.

**Section 2. Board Appointments**

The procedure for at-large and district appointments to advisory boards, committees, commissions, task forces, and authorities (hereinafter referred to as "boards") shall be established by a Countywide Policy and Procedure Memorandum (hereinafter referred to as a "PPM") to ensure consistency with agenda submittal and review procedures. Included in the PPM shall be post-appointment procedures to make sure appointees are aware of the requirements of serving on the board. The provisions in this Resolution shall be applicable to boards created by the Board of County Commissioners and may be waived upon majority vote by the Board of County Commissioners.

**Section 3. Maximum Number of Boards**

The maximum number of boards that an individual appointed by the Board of County Commissioners may serve on at one time shall be three (3), except that no individual may serve on more than one (1) board if doing so would violate Article II, Section 5(a) of the Florida Constitution, which prohibits dual-office holding.

**Section 4. Terms of Office**

Terms of office for board members shall be three years. This term shall not apply to any board created by statute or other binding rule which specifies a different term.

---

**Section 5. Vacancies**

Vacancies occurring during a term shall be filled for the unexpired term.

**Section 6. Number of Terms Served**

There shall be a limit of three consecutive three year terms, unless dictated otherwise by statute or other binding rule.

**Section 7. Removal**

All at-large members of boards appointed by the Board of County Commissioners serve at the pleasure of the Board of County Commissioners and may be removed without cause upon majority vote by the Board of County Commissioners. All members of boards that are classified as District appointees serve at the pleasure of their district Commissioner and may be removed without cause by the District Commissioner. This provision shall not apply if a statute or other binding rule provides for a different removal process.

**Section 8. Removal for Lack of Attendance**

Members of boards 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 of the meetings scheduled during a calendar year. Participation for less than three-fourths 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 board and such removal shall create a vacancy, unless otherwise provided by statute or other binding rule.

**Section 9. Qualification as a Candidate**

Board members shall not be prohibited from qualifying as a candidate for elected office.

---

**Section 10. Eligibility to Serve**

County employees, other than Commissioners Aides, may not be appointed to boards except where technical/professional representation and county employee eligibility are specifically set forth in the document creating the board or where the County employee is an elected official within Palm Beach County and is nominated for inclusion on the board by an entity other than the Board of County Commissioners. Employees of other units of local government may not represent their respective governments on boards, unless otherwise provided by statute or other rule of law. Former Board of County Commission members may not be appointed to boards for at least two years following their last day in office as a County Commissioner.

**Section 11. Number of Members**

The preferred limit on the number of members on a board shall be nine (9), provided, and the maximum number of members shall not exceed eleven (11). This limitation shall not apply to any board created by statute or other binding rule requiring a different specified number of members.

**Section 12. Residency Requirement**

All board members must be residents of Palm Beach County at the time of appointment and while serving on the board. Exemptions to this requirement are allowed when circumstances warrant outside technical/professional representation, or if statute or other rule specifies.

**Section 13. Sunshine Law and State Code of Ethics**

All boards are to comply with the Sunshine Law and State Code of Ethics. Reasonable public notice of all board meetings shall be provided. All meetings of the board shall be open to the public at all times and minutes shall be taken at each meeting.

---

**Section 14. Palm Beach County Code of Ethics**

Board members are to 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 15. State Financial Disclosure**

Appointees to boards that are required to submit a Statement of Financial Interests with the State of Florida Commission on Ethics will be notified that failure to submit a Statement of Financial Interests within 30 days of appointment shall result in invalidation of the appointment.

**Section 16. Travel Expenses, Reimbursement and Approval Authority**

Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill board member 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 board member 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 17. Annual Narrative Report**

Each board listed in PPM CW-O-60, as may be amended from time to time, shall submit an annual narrative report to the Agenda Coordinator. The form, substance, and submittal dates for annual narrative reports are established by PPM CW-O-060. An Annual Narrative Report does not have to be submitted if the board is required to submit a report at least quarterly through ordinance, law, or some other legal document.

**Section 18. Conduct of Meeting**

A quorum must be present for the conduct of all board meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert's Rules of Order.

---

**Section 19. Conflict with Federal or State Law or County Charter**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 20. Effective Date**

The provisions of this Resolution shall be effective March 1, 2013.

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

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

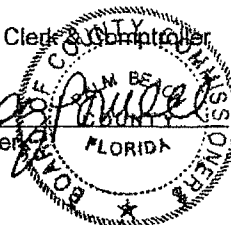
The Chair thereupon declared the Resolution duly passed and adopted this 5th day of February, 2013.

Palm Beach County, Florida by its  
Board of County Commissioners

Sharon R. Bock, Clerk and Comptroller

BY: Sharon R. Bock

Deputy Clerk



Approved as to Form and  
Legal Sufficiency

By: [Signature]

Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on FEB 05 2013

dated at West Palm Beach, FL on FEB 05 2013

By: [Signature]

Deputy Clerk

