



**II. FISCAL IMPACT ANALYSIS**

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

<b>Fiscal Years</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Capital Expenditures</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Operating Costs</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>External Revenues</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Program Income (County)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>In-Kind Match (County)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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:**

*JP*

**III. REVIEW COMMENTS**

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

 _____ OFMB Administrator 1/22/14	 _____ Contract Administrator 2-4-14 B. Wheeler
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney  
 2/6/14

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

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

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION No. R2008-1511, AS AMENDED; PROVIDING FOR THE CREATION OF THE ARTIFICIAL REEF AND ESTUARINE ENHANCEMENT COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR MEMBER REMOVAL; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING THAT COMMITTEE ACTION IS ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR RATIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR UNIFORM POLICIES AND PROCEDURES FOR ADVISORY BOARDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Palm Beach County created the Artificial Reef and Estuarine Enhancement Committee (AREEC) by adoption of Resolution R-2008-1511, on September 9, 2008, to advise the Board of all matters relating to artificial reefs and enhancement of estuarine water bodies; and

WHEREAS, there is a need to bring the resolution into compliance with the Board of County Commissioners of Palm Beach County's uniform policies and procedures on advisory boards as provided in Resolution R2013-0193; and

WHEREAS, repealing and replacing Resolution R2008-1511, as amended, pertaining to the Artificial Reef and Estuarine Enhancement Committee will simplify future reference.

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

**Section 1. Repeal and replace the Prior Resolution.** Resolution R2008-1511 is hereby repealed and replaced in its entirety.

**Section 2. Creation of the Artificial Reef and Estuarine Enhancement Committee.** There is hereby established an Advisory Committee to be known as the Artificial Reef and Estuarine Enhancement Committee, which committee shall replace, in its entirety, that certain Artificial Reef and Estuarine Enhancement Committee created by Resolution R2008-1511, herein referred to as AREEC. AREEC shall serve at the pleasure of the Board of County

Commissioners of Palm Beach County until such time as the Board of County Commissioners of Palm Beach County determines by majority vote that the services of AREEC are no longer needed.

**Section 3. Membership:**

- a. The Artificial Reef and Estuarine Enhancement Committee shall consist of eleven (11) members appointed at large by the Board of County Commissioners of Palm Beach County.

Appointments shall be based upon nominations from the following:

1. One (1) representative of the Board of County Commissioners of Palm Beach County, who, at the time of the appointment, shall be an elected member of the Board of County Commissioners of Palm Beach County. The selected member from the Board of County Commissioners of Palm Beach County shall serve as the Chair of the Committee for the duration of the selected member's term of office as a County Commissioner;
2. Two (2) members representing other governmental entities;
3. One (1) member representing commercial scuba diving interests in Palm Beach County;
4. One (1) member representing commercial marine industry interests in Palm Beach County;
5. One (1) member representing fisheries interests in Palm Beach County;
6. One (1) member representing recreational fishing in Palm Beach County;
7. One (1) member representing recreational scuba diving in Palm Beach County;

8. One (1) member representing an environmental organization in Palm Beach County; and,
  9. Two (2) at-large members who are county residents having an interest in artificial reefs and estuarine enhancement.
- b. Appointment of new members to fill vacancies and reappointment of members whose terms have expired shall be made at large by the Board of County Commissioners of Palm Beach County. Should a vacancy occur among the eleven (11) group representative members that cannot be filled by that group, that vacancy may be filled by a county resident having an interest in artificial reefs and estuarine enhancement.
  - c. With the exception of the County Commission representative, the term for all members shall be three (3) years. The terms shall begin on October 1<sup>st</sup> and end on September 30<sup>th</sup>. Existing member's terms shall end on September 30<sup>th</sup> of the year in which their term expires. There shall be a limit of three (3) consecutive three (3) year terms, unless dictated otherwise by statute or other binding rule. Vacancies occurring during a term shall be filled for the unexpired term and shall not count toward the member's term limits.

**Section 4. Meetings and Organization.** The Committee shall establish a time and place for holding meetings as may be necessary and shall adopt such rules of organization and procedure as may be required. Meetings shall be governed by Robert's Rules of Order. Members shall be governed by the applicable provisions of the State Ethics Code and the Palm Beach County Code of Ethics. The Committee may establish subcommittees for specific subjects or tasks and may invite participation in said subcommittees by nonmembers in order to obtain input from other segments of the public interested in the artificial reef and estuarine enhancement program, provided however, that such members of the public shall not be considered members of the Artificial Reef and Estuarine

Enhancement Committee and shall have no official voting powers or related rights and duties. A majority of members of the Committee shall constitute a quorum for the transaction of business and the concurrence of a majority of members present and voting shall be required to take any official action. All meetings of the Committee and any of its subcommittees shall be open to the public, duly advertised and otherwise comply with all applicable requirements of Florida's "Sunshine" Law as set forth in Chapter 286 Florida Statutes. Minutes shall be taken at each meeting.

**Section 5. Removal.** All members serve at the pleasure of the Board of County Commissioners of Palm Beach County and may be removed without cause upon majority vote by the Board of County Commissioners of Palm Beach County. Any member that fails to attend three (3) consecutive meetings or that fails to attend more than one-half of the meetings scheduled during a calendar year shall be automatically removed for lack of attendance. Participation for less than three-fourths of a meeting shall be the same as failure to attend a meeting.

**Section 6. Duties and Functions.** The Committee shall make recommendations to the Board of County Commissioners of Palm Beach County regarding objectives and policies relative to the County's artificial reef and estuarine enhancement programs as they relate to management and coordination of such programs including, but not limited to, the review of existing and future artificial reef and estuarine enhancement locations, materials to be used in the construction of artificial reefs and estuarine enhancement projects, water quality, and other considerations relating to the management, implementation, and coordination of the artificial reef and estuarine enhancement programs.

**Section 7. Committee Action Advisory Only.** The actions, decisions, and recommendations of the Artificial Reef and Estuarine Enhancement Committee shall not be final or binding on the Board of County Commissioners of Palm Beach County but shall be advisory only.

**Section 8. Assistance to the Committee.** The Artificial Reef and Estuarine Enhancement 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 the Department of Environmental Resources Management shall provide administrative support to the Committee. The County Attorney's office shall act as legal counsel to the Artificial Reef and Estuarine Enhancement Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Artificial Reef and Estuarine Enhancement Committee. The Board of County Commissioners of Palm Beach County may, on behalf of the Artificial Reef and Estuarine Enhancement Committee, accept donations or other monetary or physical assistance from the general public to aid the Artificial Reef and Estuarine Enhancement Committee in fulfilling its duties as provided herein.

**Section 9. Ratification.** Notwithstanding anything contained herein, this Resolution also hereby acknowledges, ratifies, and confirms all actions of the advisory committee known as the Artificial Reef and Estuarine Enhancement Committee, as was previously approved and organized by the Board of County Commissioners of Palm Beach County, prior to the formal adoption of this Resolution.

**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 this Resolution.

**Section 11. Uniform Policies and Procedures of Advisory Boards.** The AREEC shall be subject to the uniform policies and procedures established by the Board of County Commissioners of Palm Beach County for Advisory Boards as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Board of County Commissioners of Palm Beach County.

**Section 12. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its 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, was as follows:

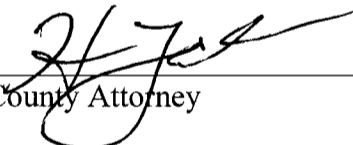
	ABSENT	AYE	NAY
COMMISSIONER Priscilla A. Taylor, Mayor	_____	_____	_____
COMMISSIONER Paulette Burdick, Vice Mayor	_____	_____	_____
COMMISSIONER Hal R. Valeche	_____	_____	_____
COMMISSIONER Shelley Vana	_____	_____	_____
COMMISSIONER Steven L. Abrams	_____	_____	_____
COMMISSIONER Mary Lou Berger	_____	_____	_____
COMMISSIONER Jess R. Santamaria	_____	_____	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_

day of \_\_\_\_\_, 2014.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

BY:   
\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Sharon Bock, Clerk & Comptroller



Attachment 2

RESOLUTION NO. 2008-1511

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, CREATING THE PALM BEACH  
COUNTY ARTIFICIAL REEF AND ESTUARINE ENHANCEMENT  
COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR  
STAGGERED TERMS; PROVIDING FOR MEETINGS AND  
ORGANIZATIONS; PROVIDING FOR DUTIES AND FUNCTIONS;  
PROVIDING FOR BOARD ACTION ADVISORY ONLY; PROVIDING  
FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR  
RATIFICATION; PROVIDING FOR THE REPEAL OF RESOLUTION  
NO. 96-1489**

WHEREAS, the Board of County Commissioners of Palm Beach County created the Artificial Reef and Estuarine Enhancement Committee (AREEC) by adoption of Resolution R-90-601, on April 3, 1990, to advise the Board of all matters relating to artificial reefs and enhancement of estuarine water bodies; and

WHEREAS, Resolution R93-586 provided for revisions to comply with County policy and included a reduction in the number of members from 16 to 9, established specific categories of membership, and added water quality to the committee responsibilities; and

WHEREAS, Resolution R96-1489 provided for staggered terms and removed the limitation on the number of consecutive terms a member may serve; and

WHEREAS, the AREEC desires to modify the membership requirements to reflect changing conditions by modifying the commercial fishing category to a fisheries category, modifying the local government category to any government, and adding two (2) general members; and

WHEREAS, this reorganization will ensure greater continuity and consistency of effort as AREEC membership changes over time and allow members with unique talents and abilities to continue to serve the Committee; and

WHEREAS, this reorganization will enable the Committee to more effectively advise the Board on the evolving challenges of artificial reef and estuarine enhancement.

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 of County Commissioners, there is created and established a committee to be known as the Palm Beach County Artificial Reef and Estuarine Enhancement Committee, which committee shall replace, in its entirety, that certain Artificial Reef and Estuarine Enhancement Committee created by Resolution R-96-1489.

Section 2. Membership:

- a. The Artificial Reef and Estuarine Enhancement Committee shall consist of eleven (11) members appointed at large by the Board of County Commissioners. Appointments shall be based upon nominations from the following:
  1. One (1) representative of the County Commission of Palm Beach County, who, at the time of the appointment, shall be an elected member of the Commission. The selected member from the County Commission shall serve as the Chair of the Committee for the duration of the selected member's term of office as a County Commissioner;
  2. Two (2) members representing other governmental entities;
  3. One (1) member representing commercial scuba diving interests in Palm Beach County ;
  4. One (1) member representing commercial marine industry interests in Palm Beach County;
  5. One (1) member representing fisheries interests in Palm Beach County ;
  6. One (1) member representing a recreational fishing club in Palm Beach County;
  7. One (1) member representing a recreational scuba diving club in Palm Beach County;
  8. One (1) member representing an environmental organization in Palm Beach County ; and,

9. Two (2) general members who are county residents having an interest in artificial reefs and estuarine enhancement of which one would be appointed for an initial term of three (3) years and one would be appointed for an initial term of four (4) years. All subsequent appointments and/or reappointments shall be terms of three (3) years.
- b. Appointment of new members to fill vacancies and reappointment of members whose terms have expired shall be made at large by the Board of County Commissioners. Should a vacancy occur among the nine (9) group representative members that cannot be filled by that group, that vacancy may be filled by a county resident having an interest in artificial reefs and estuarine enhancement.
- c. With the exception of the County Commission representative, the term for all members shall be three (3) years. The terms shall be staggered over a three (3) year period such that the terms of no more than four (4) members expire in any one year.
- d. The term expiration date for all current committee members will remain in effect.

Section 3. Meetings and Organization. The Committee shall establish a time and place for holding meetings as may be necessary and shall adopt such rules of organization and procedure as may be required. The Committee may establish subcommittees for specific subjects or tasks and may invite participation in said subcommittees by nonmembers in order to obtain input from other segments of the public interested in the artificial reef and estuarine enhancement program, provided however, that such members of the public shall not be considered members of the Artificial Reef and Estuarine Enhancement Committee and shall have no official voting powers or related rights and duties.

Section 4. Duties and Functions. The Committee shall have the following duties and functions.

- a. To make recommendations to the Board of County Commissioners regarding objectives and policies relative to the County's artificial reef and estuarine enhancement programs as they relate to management and coordination of such programs including, but not limited to, the review of existing and future artificial reef and estuarine enhancement locations, materials to be used in the construction of artificial reefs and estuarine enhancement projects, water quality, and other considerations relating to the management, implementation, and coordination of the artificial reef and estuarine enhancement programs.

Section 5. Committee Action Advisory Only. The actions, decisions, and recommendations of the Artificial Reef and Estuarine Enhancement Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

Section 6. Assistance to the Committee. The Artificial Reef and Estuarine Enhancement 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 the Department of Environmental Resources Management shall provide administrative support to the Committee. The County Attorney's office shall act as legal counsel to the Artificial Reef and Estuarine Enhancement Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Artificial Reef and Estuarine Enhancement Committee. The Board of County Commissioners may, on behalf of the Artificial Reef and Estuarine Enhancement Committee, accept donations or other monetary or physical assistance from the general public to aid the Artificial Reef and Estuarine Enhancement Committee in fulfilling its duties as provided herein.

Section 7. Ratification. Notwithstanding anything contained herein, this Resolution also hereby acknowledges, ratifies, and confirms all actions of the advisory committee known as the Artificial Reef and Estuarine Enhancement

Committee, as was previously approved and organized by the Board of County Commissioners, prior to the formal adoption of this Resolution.

Section 8. 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 this Resolution.

Section 9. Repeal of R-96-1489. This Resolution expressly repeals and supersedes Palm Beach County Resolution R-96-1489.

The foregoing Resolution was offered by Commissioner

Marcus who moved its adoption. The motion was seconded by Commissioner Jeff Koons and upon being put to a vote, was as follows:

	ABSENT	AYE	NAY
COMM. ADDIE L. GREENE, CHAIRPERSON	_____	<u>Aye</u>	_____
COMM. JEFF KOONS, VICE CHAIR	_____	<u>Aye</u>	_____
COMM. KAREN T. MARCUS	_____	<u>Aye</u>	_____
COMM. ROBERT J. KANJIAN	_____	<u>Aye</u>	_____
COMM. MARY MCCARTY	_____	<u>Aye</u>	_____
COMM. BURT AARONSON	_____	<u>Aye</u>	_____
COMM. JESS R. SANTAMARIA	_____	<u>Aye</u>	_____

The Chair thereupon declared the Resolution duly passed and adopted this 9th day of September, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

BY: [Signature]  
County Attorney

[Signature]  
Sharon Bock Clerk & Comptroller Deputy Clerk

