

3J-1

Agenda Item#

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARD APPOINTMENT SUMMARY

=====  
Meeting Date: November 3, 2015  
Department: Planning, Zoning & Building Department  
Submitted By: Building Division  
Advisory Board Name: Construction Board of Adjustments and Appeals  
=====

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Appointment of one regular member to the Construction Board of Adjustments and Appeals (CBAA).

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Margie Walden	9	Citizen at Large	Comm. Abrams Comm. McKinlay Comm. Taylor Mayor Vana Vice Mayor Berger	11/3/2015-11/2/2018

**Summary:** Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals (the "Board"). A memo requesting a nomination for a new regular citizen at large appointment was sent to the Board of County Commissioners on September 17, 2015. Commissioner Steven Abrams, Commissioner Melissa McKinlay, Commissioner Priscilla Taylor, Mayor Shelley Vana and Vice Mayor Mary Lou Berger have nominated Margie Walden for a term of three years. Ms. Walden is currently serving as an alternate member on the Board. Per Palm Beach County Ordinance 2015-028, Palm Beach County Amendments to the Florida Building Code, 5<sup>th</sup> Edition (2014), the Board is comprised of nine regular members: one architect; one engineer; two Division 1 contractors (general, building, or residential contractors); one electrical contractor; one HVAC contractor; one plumbing contractor; a member at large from the public; and any other contractor licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at large from the public. This advisory committee membership has 11 seats, 9 currently filled, and a diversity count of White: 9 (100%). The gender ratio (male:female) is 8:1. Countywide (SF)

**Background and Justification:** The Construction Board of Adjustments and Appeals shall have the power, as further defined in Section 113.3 of the Palm Beach County Amendments to the Florida Building Code, 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 procedures 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.

- Attachments:**
1. Board/Committees Application
  2. Resume
  3. Memo to Commissioners dated September 17, 2015
  4. CBAA Meeting Attendance
  5. Section 113 of the Palm Beach County Amendments to the Florida Building Code, 5th Edition (2014)

=====  
Recommended By: Rebecca J. Caldwell 10/5/15  
Department Director Date

Legal Sufficiency: [Signature] 10/5/15  
Assistant County Attorney Date

**II. REVIEW COMMENTS**

**A. Other Department Review:**

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**Department Director**

**Date**

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 in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. **Please attach a biography or résumé to this form.**

**Section I (Department):** (Please Print)

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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: \_\_\_\_\_

**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 CALADJUM RD.

City & State Delray Beach, FL Zip Code: 33484

Home Phone: ( ) Business Phone: ( ) Ext. \_\_\_\_\_

Cell Phone: (561) 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

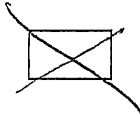
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**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions 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.

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_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)  
OR

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NOT APPLICABLE/  
(Governmental Entity)



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**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: Margie Walden Printed Name: MARGIE WALDEN Date: 9/4/15

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**Return this FORM to:**  
 Jacquelyn Anderson, Palm Beach County PZB, Building Division  
 2300 North Jog Road, West Palm Beach, Florida 33411

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

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

Commissioner's Signature: S. Abrams Date: 9/21/15

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BOARD OF COUNTY COMMISSIONERS  
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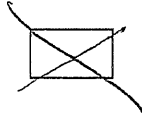
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Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: Melissa McKinley Date: 9/21/15

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

Revised 01/14/2014

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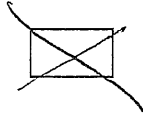
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Commissioner's Signature: [Signature]

Date: 9-21-15

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Revised 01/14/2014



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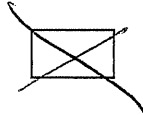
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Commissioner's Signature: Shelley Yona Date: \_\_\_\_\_

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Revised 01/14/2014

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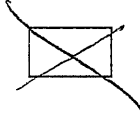
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**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-80 is required before appointment, and upon reappointment.

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 on 9/5 2015  
 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: Margie Walden Printed Name: MARGIE WALDEN Date: 9/4/15

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 to:  
Jacquelyn Anderson, Palm Beach County PZB, Building Division  
2300 North Jog Road, West Palm Beach, Florida 33411

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

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

Commissioner's Signature: Mary Lou Berger Date: 10/20/15

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

Revised 01/14/2014

**Margie J. Walden**  
**mjwalden1@bellsouth.net**  
**(561) 699-4011**

Margie J. Walden currently serves on the Palm Beach County Sports Commission and is the Chair of the Strategic Planning Committee. She also serves on the Delray Beach Sports Destination Committee where she was instrumental in helping to secure for Delray Beach the 2014 and 2015 NAIA Men's National Soccer Championships and the 2014 LPGA Legends Tour's Walgreens Charity Championship. She also serves on the Palm Beach County Construction Board of Adjustments and Appeals and is a Commission member of the Allegany Franciscan Ministries, Inc. for Palm Beach, Martin and St. Lucie Counties.

From 2009-2013 she served as the Executive VP for the Alliance of Delray, a civic association of 86 homeowner and condo communities representing 100,000 people in greater Delray Beach. She also served on the West Atlantic Redevelopment Coalition (WARC) and the Spady Cultural Heritage Museum. She also has served as a consultant for political candidates at the municipal, County and State levels.

Margie has directed fund raising activities for Ruth Rales Jewish Family Service, Florida Atlantic University College of Science, and the Florida Academy of Audiology raising more than \$2 million for these institutions. She also directed public relations activities for these groups focusing on better branding and increased community awareness and recognition.

She served as the Executive Director for the Bachmann-Strauss Dystonia and Parkinson Foundation at Mount Sinai Medical Center in NYC from 2001-2004 where she raised more than \$10 million for scientific research and fostered increased awareness by building collaborations and producing updated educational materials.

Margie also served as the Executive Director of the Taiwan International Alliance where she represented Taiwan's interests at the United Nations and lobbied the US Congress for the security of Taiwan's democracy in light of Hong Kong's transfer to the People's Republic of China (PRC). Margie is a strong supporter of democracy and human rights and also worked at the United Nations representing Indigenous people from Central America. She has traveled extensively throughout Europe, the Americas and Asia.

Margie has also held leadership positions at the headquarters of the American Institute of Chemical Engineers and Girl Scouts of the USA.

She is a magna cum laude graduate of the University of Buffalo. She studied Landscape Architecture at SUNY College of Forestry and received diplomatic training at the Institute of Multi-Track Diplomacy in Washington, DC.

She is an avid tennis player and enjoys travel and the arts.



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, Mayor

Mary Lou Berger, Vice Mayor

Hal R. Valeche

Paulette Burdick

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor


**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

**MEMORANDUM**

TO: Shelley Vana, Mayor, and Members of the Board of County Commissioners

FROM: Doug Wise, Building Director/Building Official   
Building Division

DATE: September 17, 2015

RE: At-Large Seat - Construction Board of Adjustments and Appeals

**ITEM:** The Construction Board of Adjustments and Appeals (CBAA) has an unfilled regular vacant seat #9 that requires a new appointment. The requirement for the seat is to be a member from the public at large. The Building Division has received one application from our current member Margie Walden, who has previously served as an alternate member. Ms. Walden's term as an alternate member expires on October 6, 2015.

**BACKGROUND:** The Palm Beach County Amendments to the Florida Building Code, 5<sup>th</sup> Edition (2014) were adopted on July 27, 2015. In those amendments, the membership of the CBAA was modified to be comprised of 11 members, adding a new seat for a regular member at large from the public. All members of the CBAA are appointed by a majority vote of the Board of County Commissioners. Terms of office for regular members are for three years and the alternate members serve for one year. In addition, CBAA members are now limited to a maximum of three consecutive, three-year terms.

**DISPOSITION:** The application and resume for the candidate 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 October 5, 2015. Staff will prepare an Agenda Item for the November 3, 2015, BCC meeting.

If you have any questions concerning this appointment, you may contact me at 233-5192.

cc Verdenia Baker, County Administrator  
Rebecca D. Caldwell, Executive Director, PZB

Encl.

CBAA MEETING ATTENDANCE

Seat	MEMBER	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
1	Rasper, Bart	/	/	/	P	/	/	/	/	P	/	P	/	P	/	P			
2	Drawdy, Duane	/	/	/	P	/	/	/	/	P	/	P	/	P	/	P			
3	Sullivan, Gary												/	P	/	P			
4	Wiener, Marc	/	/	/	P	/	/	/	/	P	/	P	/	A	/	P			
5	Dixon, Ron	/	/	/	P	/	/	/	/	P	/	A	/	P	/	P			
6	Walker, Michael	/	/	/	P	/	/	/	/	P	/	A	/	P	/	P			
7	Dzenutis, Peter	/	/	/	P	/	/	/	/	P	/	P	/	A	/	P			
8	New Div 1 Contractor																		
9	New Regular Citizen At Large																		
Alt	Walden, Margie	/	/	/	P	/	/	/	/	P	/	P	/	P	/	P			
Alt	Donegan, Thomas	/	/	/	P	/	/	/	/	A	/	A	/	A	/	A			

P - Present  
A - Absent  
/ - no meeting  
Vacant

to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

## **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 nine regular 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 nine regular members plus two alternate members. Regular 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, two Division I contractors (GC, BC, or RC), electrical contractor, HVAC contractor, plumbing contractor, a member at large from the public, 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 or she has a personal or financial interest.

**113.2.2 Terms.** The terms of office of the regular board members shall be for three (3) years and staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates shall serve three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. No board member shall be appointed or re-appointed to this board for more than three (3) consecutive, three (3) year terms.

**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 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 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.

**113.2.5 Removal from office.** 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 of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this provision shall not continue to serve on the board and such removal shall create a vacancy.



**113.3 Powers.** The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4 of this code, 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 chairperson, subsequent to a request to call a meeting by the secretary. 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 from the petitioner to 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.

#### **SECTION 114 VIOLATIONS**

**Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or part thereof, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, or part thereof, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunctive relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of Chapter 162 Florida Statutes Part I shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Florida Statute 468 Part XII are deemed "Code Inspectors," as defined in Florida Statute 162.04.**

#### **SECTION 115 STOP WORK ORDER**

**115.1 Authority.** Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code, or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.