

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 12, 2016

Consent

Regular

Workshop

Public Hearing

Department: Westgate Belvedere Homes Community Redevelopment Agency

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a 12 month term commencing June 13, 2016 and expiring June 12, 2017.

Board Member

Office

Ronald Daniels
Joanne Ruffy

Chair
Vice-Chair

Summary: The Westgate/Belvedere Homes CRA Board consists of seven (7) At-Large members from residents and local businesses within the CRA boundaries. At the June 13, 2016 meeting, the CRA Commissioners elected the Chair from amongst its Board. The term shall be 12 months, beginning with the date of election. Districts 2 & 7 (RB)

Background and Justification: The Westgate/Belvedere Homes Community Redevelopment Agency was created by the Board of County Commissioners pursuant to Ordinance No. 89-6, Section 3.05, adopted in May 1989, and amended by Ordinance No. 91-50, adopted March 1991. The CRA By-laws provide for the CRA Commissioners to elect their officers at a regular meeting immediately following the appointment of newly appointed CRA Commissioners by the Board of County Commissioners. The results of the election are forwarded to the Palm Beach County Board of County Commissioners for approval.

Attachments:

1. Ordinance No. 89-6, amended by Ordinance No. 91-50 (elections excerpt)
2. Advisory Board Members

Recommended By:

Elizée Michel
Department Director

6/30/16
Date

Approved By:

J. Patty Hinkle
Assistant County Administrator

7/14/16
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2016 | 2017 | 2018 | 2019 | 2020 |
|------------------------|------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | | | | | |
| Program Income | | | | | |
| In-Kind Match (County) | | | | | |
| NET FISCAL IMPACT * | 0 | | | | |

| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |
|---|--|--|--|--|--|
| | | | | | |

Is Item Included In Current Budget? Yes ___ No ___
 Budget Account No.:

Is Item Included in Current Budget: Yes ___ No ___
 Budget Account No. Fund ___ Agency ___ Org. ___ Obj. ___
 Reporting Category

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

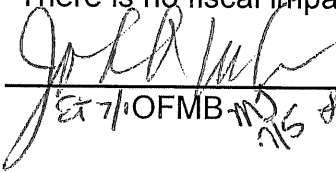
* No Impact.

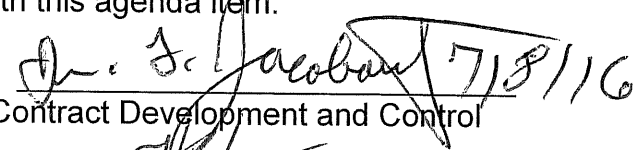
C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Administration Comments.

*There is no fiscal impact associated with this agenda item.


 Ex 7/10/OFMB 11/15 11/15


 Contract Development and Control
 7/8/16 TW

B. Legal Sufficiency:


 Assistant County Attorney
 7/8/16

B. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

1 (CRA ORD 5/09/89)

2 ORDINANCE NO. 89-6

3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 PALM BEACH COUNTY, FLORIDA, RELATING TO AND CREATING
5 THE WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT
6 AGENCY; PROVIDING FOR APPOINTMENT OF THE MEMBERS;
7 PROVIDING FOR THE ORGANIZATION OF THE AGENCY;
8 PROVIDING FOR THE EXERCISE OF CERTAIN POWERS;
9 PROVIDING THAT ALL OTHER POWERS CONTINUE TO VEST IN
10 THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR
11 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;
12 AND PROVIDING FOR AN EFFECTIVE DATE.

13 WHEREAS, the Legislature of the State of Florida has enacted
14 the "Community Redevelopment Act of 1969"; and

15 WHEREAS, the Act authorizes any county or municipality to
16 create a separate body corporate and politic to be known as a community
17 redevelopment agency upon a finding of necessity; and

18 WHEREAS, the Board of County Commissioners of Palm Beach County
19 has adopted a Resolution finding that the area known as the
20 Westgate/Belvedere Homes area is a slum and blighted area that exists
21 within Palm Beach County, and that the rehabilitation, conservation and
22 redevelopment of such area is necessary to the public health, safety,
23 morals and welfare of the residents of Palm Beach County; and

24 WHEREAS, the Board of County Commissioners has made a further
25 finding that there is a need for a community redevelopment agency to
26 function in Palm Beach County to carry out the community redevelopment
27 purposes of the Community Redevelopment Act of 1969.

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

1 Section 1. AUTHORITY FOR ENACTMENT.

2 This ordinance is enacted pursuant to the Community
3 Redevelopment Act of 1969, as amended, Chapter 69-305, Laws of Florida.

4 Section 2. CREATION OF THE WESTGATE/BELVEDERE HOMES COMMUNITY
5 REDEVELOPMENT AGENCY

6 There is hereby created a public body corporate and politic to
7 be known as the Westgate/Belvedere Homes Community Redevelopment Agency,
8 hereinafter referred to as the "Agency."

9 Section 3. MEMBERSHIP

10 3.01. The agency shall consist of seven (7) commissioners
11 appointed by the Board of County Commissioners. Any person may be
12 appointed as a commissioner if he or she resides or is engaged in
13 business, which shall mean owning a business, practicing a profession, or
14 performing a service for compensation, or serving as an officer or
15 director of a corporation or other business entity so engaged, within the
16 area of operation of the agency, which shall be coterminous with the area
17 of operation of the county.

18 3.02. Terms of office of the commissioners shall be for 4 years
19 except that three of the members first appointed shall be designated to
20 serve terms of 1, 2 and 3 years, respectively, from the date of their
21 appointments, and four (4) members shall be designated to serve for terms
22 of 4 years from the date of their appointments. A vacancy occurring
23 during a term shall be filled for the unexpired term. A certificate of
24 the appointment or reappointment of any commissioner shall be filed with
25 the clerk of the county, and such certificate shall be conclusive
26 evidence of the due and proper appointment of such commissioner.

27 3.03. A commissioner shall receive no compensation for his
28 services, but shall be entitled to the necessary expenses, including
29 traveling expenses, incurred in the discharge of his duties, subject to
30 prior approval by the Board of County Commissioners.

31 3.04. The powers of a community redevelopment agency shall be
32 exercised by the commissioners thereof. A majority of the commissioners
33 shall constitute a quorum for the purpose of conducting business and
34 exercising the powers of the agency and for all other purposes. Action
35 may be taken by the agency upon a vote of a majority of the commissioners
36 present, unless in any case the bylaws shall require a larger number.

1 3.05. The Board of County Commissioners shall designate a chair
2 and vice chair from among the commissioners.

3 3.06. The agency may employ an executive director, technical
4 experts, and such other agents and employees, permanent and temporary, as
5 it may require, and determine their qualifications, duties, and
6 compensation. For such legal service as it may require, an agency may
7 employ or retain its own counsel and legal staff.

8 3.07. The agency shall file with the Board of County
9 Commissioners and with the Auditor General, on or before March 31st of
10 each year, a certified audit report of its activities for the preceding
11 fiscal year, which report shall include a complete financial statement
12 setting forth its assets, liabilities, income, and operating expenses as
13 of the end of such fiscal year. At the time of filing the report, the
14 agency shall publish in a newspaper of general circulation in the
15 community a notice to the effect that such report has been filed with the
16 county and that the report is available for inspection during business
17 hours in the Office of the Clerk of the Board of County Commissioners and
18 in the office of the Agency.

19 3.08. The Board of County Commissioners may remove a commissioner
20 for inefficiency, neglect of duty, or misconduct in office only after a
21 hearing and only if he has been given a copy of the charges at least ten
22 (10) days prior to such hearing and has had an opportunity to be heard in
23 person or by counsel.

24 3.09. The agency shall have the power and authority to make and
25 issue such regulations, bylaws and rules as it deems necessary to
26 implement its powers and functions.

27 3.10. The officers, commissioners and employees of the Agency
28 shall be subject to the code of ethics as stated in the provisions and
29 requirements of Part III of Chapter 112, Florida Statutes (1987) and
30 Section 163.367, Florida Statutes (1987).

31 Section 4. POWERS

32 4.01. The agency shall have the following powers:

- 33 1. The power of eminent domain, subject to prior approval
34 by the Board of County Commissioners.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

2. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under the Community Redevelopment Act of 1969; to disseminate slum clearance and community redevelopment information; and to undertake and carry out community redevelopment and related activities within the community redevelopment area, which redevelopment may include:

- a. Acquisition of a slum area or blighted area or portion thereof.
- b. Demolition and removal of buildings and improvements.
- c. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of the Community Redevelopment Act of 1969 in accordance with the community redevelopment plan.
- d. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.
- e. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.
- f. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

g. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

h. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

1. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

3. To provide, or arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a community redevelopment project; to install, construct, and reconstruct streets, utilities, parks, playgrounds,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment project and related activities, and to include in any contract let in connection with such a project and related activities provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

4. Within the community redevelopment area:

- a. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- b. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain subject to prior approval by the Board of County Commissioners, or otherwise, any real property (or personal property for its administrative purposes), together with any improvements thereon.
- c. To hold, improve, clear, or prepare for redevelopment any such property.
- d. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property subject to prior approval by the Board of County Commissioners.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

- e. To insure or provide for the insurance of any real or personal property or operations of the County against any risks or hazards, including the power to pay premiums on any such insurance.
- f. To enter into any contracts necessary to effectuate the purposes of this part.
- 5. To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to Section 163.385, Florida Statutes (1987), at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled.
- 6. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government or the state, county, or other public body, or from any sources, public or private, for the purposes of this part, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to a community redevelopment project and related activities such conditions imposed pursuant to federal laws as the county may deem reasonable and appropriate and which are not inconsistent with the purpose of this part.
- 7. Within its area of operation, to make or have made all surveys and plans necessary to the carrying out

1 of the purposes of this part and to contract with
2 any person, public or private, in making and
3 carrying out such plans and to adopt or approve,
4 modify and amend such plans, which plans may
5 include, but not be limited to:

- 6 a. Plans for carrying out a program of voluntary
7 or compulsory repair and rehabilitation of
8 buildings and improvements.
- 9 b. Plans for the enforcement of state and local
10 laws, codes, and regulations relating to the
11 use of land and the use and occupancy of
12 buildings and improvements and to the
13 compulsory repair, rehabilitation, demolition,
14 or removal of buildings and improvements.
- 15 c. Appraisals, title searches, surveys, studies,
16 and other plans and work necessary to prepare
17 for the undertaking of community redevelopment
18 projects and related activities.
- 19 8. To develop, test, and report methods and
20 techniques, and carry out demonstrations and other
21 activities, for the prevention and the elimination
22 of slums and urban blight and developing and
23 demonstrating new or improved means of providing
24 housing for families and persons of low income.
- 25 9. To apply for, accept and utilize grants of funds
26 from the Federal Government for such purposes.
- 27 10. To prepare plans for and assist in the relocation
28 of persons (including individuals, families,
29 business concerns, nonprofit organizations and
30 others) displaced from a community redevelopment
31 area, and to make relocation payment to or with
32 respect to such persons for moving expenses and
33 losses of property for which reimbursement or
34 compensation is not otherwise made, including the

1 making of such payments financed by the Federal
2 Government.

3 11. Subject to prior approval by the Board of County
4 Commissioners, to appropriate such funds and make
5 such expenditures annually as are necessary to
6 carry out the purposes of this part and to enter
7 into agreements with a housing authority.

8 12. Within its area of operation, to organize,
9 coordinate, and direct the administration of the
10 provisions of this part, as they may apply to such
11 county, in order that the objective of remedying
12 slum and blighted areas and preventing the cause
13 thereof within such county may be most effectively
14 promoted and achieved.

15 4.02. All other powers set forth and contemplated in Chapter 163
16 of the Florida Statutes continue to vest in the Board of County
17 Commissioners, including the following powers as set forth in Section
18 163.358, Florida Statutes (1987):

- 19 1. The power to determine an area to be a slum or blighted
20 area, or combination thereof; to designate such area as
21 appropriate for community redevelopment and to hold any
22 public hearings required with respect thereto.
- 23 2. The power to grant final approval to community
24 redevelopment plans and modifications thereof.
- 25 3. The power to authorize the issuance of revenue bonds as
26 set forth in Section 163.385, Florida Statutes (1987).
- 27 4. The power to approve the acquisition, demolition,
28 removal, or disposal of property as provided in Section
29 163.370(3), Florida Statutes (1987) and the power to
30 assume the responsibility to bear loss as provided in
31 Section 163.370(3), Florida Statutes (1987).

32 **Section 5. REPEAL OF LAWS IN CONFLICT**

33 All local laws and ordinances applying to the unincorporated
34 area of Palm Beach County in conflict with any provisions of this
35 ordinance are hereby repealed.

1 Section 6. SEVERABILITY

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect the
5 remainder of this ordinance.

6 Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

7 The provisions of this ordinance shall become and be made a
8 part of the code of laws and ordinances of Palm Beach County, Florida.
9 The Sections of the ordinance may be renumbered or relettered to
10 accomplish such, and the word "ordinance" may be changed to "section,"
11 "article," or any other appropriate word.

12 Section 8. EFFECTIVE DATE

13 The provisions of this ordinance shall become effective upon
14 receipt of acknowledgement by the Secretary of State.

15 APPROVED AND ADOPTED by the Board of County Commissioners of
16 Palm Beach County, Florida, on the _____ day of MAY 9 1989, 1989.

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

19 By Carol Elvington
20 Chair

21 APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY

23 Michelle R. Kunkle
24 County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By John M. Blair
RECORD CLERK

25 Acknowledgement by the Department of State of the State of
26 Florida, on this, the 16th day of May, 1989.

27 EFFECTIVE DATE: Acknowledgement from the Department of State
28 received on the 19th day of May, 1989, at 11:38 A.M., and
29 filed in the Office of the Clerk of the Board of County Commissioners of
30 Palm Beach County, Florida.

**WESTGATE/BELVEDERE HOMES CRA
BOARD OF COMMISSIONERS**

| SEAT ID | CURRENT MEMBER | RACE CODE | BUSINESS/ HOME PHONE | REQUIREMENT | APPOINT DATE | EXPIRE DATE |
|--------------------|---|----------------------|---------------------------------|--------------------|-------------------------|------------------------|
| 1 | Christopher F. Fleming 500 Northpoint Parkway, Suite 300 West Palm Beach, FL. 33407 | WM | (561) 471-5353 | Business Owner | 07/02/2013 | 05/31/2017 |
| 2 | Joseph H. Kirby, III 1649 Forum Place, Suite 11 West Palm Beach, FL. 33401 | WM | (561) 689-8989 | Business Owner | 07/02/2013 | 05/31/2017 |
| 3 | Vacant | | | | | |
| 4 | Brian Sattar 4000 Okeechobee Blvd. West Palm Beach, Fl. 33409 | WM | (561) 248-1186 | Business Owner | 07/23/2014 | 05/31/2018 |
| 5 | Ruth A. Haggerty 840 Beech Road West Palm Beach, FL. 33409 | WF | (561) 683-0409 | Community Based | 01/24/2012 | 05/31/2019 |
| 6 | Ronald Daniels 1683 Latham Road West Palm Beach, FL. 33409 | WM | (561) 697-4490 | Business Owner | 06/19/2012 | 05/31/2016 |
| 7 | Joanne Rufty 2025 Kenwood Road West Palm Beach, FL. 33409 | WF | (561) 471-9365 | Community Based | 07/02/2013 | 05/31/2017 |