

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

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Meeting Date: September 27, 2016

Department: PLANNING, ZONING & BUILDING

Submitted By: ZONING DIVISION

Advisory Board Name: LAND DEVELOPMENT REGULATION ADVISORY BOARD

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I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to approve:** Appointment of one new member to the Land Development Regulation Advisory Board (LDRAB), for the term from September 27, 2016, to February 6, 2018.


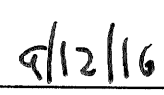
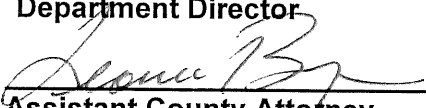
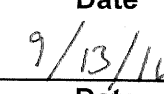
<u>Appoint</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
James McKay	11	Architect	The American Institute of Architects

SUMMARY: The Land Development Regulation Advisory Board (LDRAB) is comprised of 18 members. The Unified Land Development Code (ULDC) provides for seven members appointed by the Board of County Commissioners (BCC) one from each Palm Beach County (PBC) Commissioner as a district appointment, with consideration of expertise in Article 2.G.3.A.3.b, Qualifications; nine members that are appointed by a majority of the BCC upon a recommendation by specific organizations: Gold Coast Builders Association, League of Cities, Florida Engineering Society, American Institute of Architects, Environmental Organization, Realtors Association of the Palm Beaches, Florida Surveying and Mapping Society, Association General Contractors of America, and Palm Beach County Planning Congress; and, two members appointed at-large, as alternates, by majority vote of the BCC, with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications. The at-large members are alternates and therefore the attendance rules contained in the PPM (CW-O-023) are not applicable to this seat. This appointment is consistent with the ULDC requirements. The Board consists of 18 members with 16 seats currently filled and a diversity count of Asian: 1 (6.25%), Black: 2 (12.5%), Native-American; 1 (6.25%), and White: 12 (75.0%). The gender ratio (male:female) is 13:3. Unincorporated (LB)

Background and Justification: The LDRAB shall periodically review the provisions to the ULDC that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed; to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and to serve as Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164(22) and F.S. § 163.3194.

- Attachments:**
1. Boards/Committees Application
 2. Resume of Nominee
 3. Recommendation The American Institute of Architects
 4. Unified Land Development Code, Article 2, Chapter G, Section 3.A

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SPM	Recommended By:	 _____ Department Director	 _____ Date
	Legal Sufficiency:	 _____ Assistant County Attorney	 _____ Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

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)

Board Name: Land Development Regulation Advisory Board (LDRAB) Advisory ☒ Not Advisory ☐
☒ At Large Appointment or ☐ District Appointment / District #: _____
 Term of Appointment: 3 Years. From: 9/21/16 To: February 6, 2018
 Seat Requirement: _____ Seat #: 11
☐ *Reappointment or ☐ New Appointment
 or ☒ to complete the term of Jerome Baumohl Due to: ☒ resignation ☐ other
 Completion of term to expire on: February 6, 2018

*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: McKay James Marshall
 Last First Middle
 Occupation/Affiliation: ARCHITECT/ENGINEER
 Owner ☒ Employee ☐ Officer ☐

Business Name: _____
 Business Address: RETIRED
 City & State: _____ Zip Code: _____

Residence Address: 152 COVENTRY PL.
 City & State: PALM BEACH GARDENS Zip Code: 33418
 Home Phone: (561) 803-7479 Business Phone: () Ext. _____
 Cell Phone: (610) 506-2510 Fax: ()
 Email Address: JMM4944@COMCAST.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

Section II Continued:

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.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>

_____	_____	_____	_____
_____	_____	_____	_____

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

NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>
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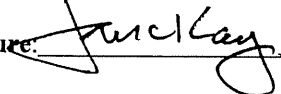
ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-79 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):

<input checked="" type="checkbox"/>	By watching the training program on the Web, DVD or VHS on <u>Aug. 31</u> 20 <u>16</u>
<input type="checkbox"/>	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: <u></u>	Printed Name: <u>JAMES MCKAY</u>	Date: <u>8/29/16</u>
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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 or contact us via email at ethics@palmbeachcountyethics.com or (561) 355-1915.

Return this FORM to:
Patricia Rice, Senior Secretary
Palm Beach County, Zoning Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Curriculum Vitae

Construction Consulting and Litigation Support Worldwide



James M. McKay, P.E., AIA Consulting Engineer and Architect

Education

Rensselaer Polytechnic Institute, Troy, NY

- Master of Architecture, 1969
- Bachelor of Architecture, 1968
- Bachelor of Science, Building Science, 1966

Registrations

Professional Engineer:

Pennsylvania (PE-027874-E)
Maryland (15322)
New Jersey (GE42689)
Delaware (12306)
Florida (59078)

Registered Architect:

Pennsylvania (RA-006961-X)
Illinois (001-015615)
Florida (AR94593)

Professional Affiliations

- American Institute of Architects (AIA), Member
- American Bar Association, Associate Member
- ABA Forum on the Construction Industry, Member

Employment History

Independent Consulting Practice (July 2004 – Present) *Independent Consultant*

Provided independent consulting services to clients in the building industry on scheduling issues, design errors and omissions, productivity disputes, damage quantification and dispute resolution. Assignments include both affirmative and defensive positions on disputes in a wide variety of industries and project types.

MDCSystems®, Berwyn, PA (1997-2004). *Executive Vice President*

Supervised the professional staff's analysis and defense, or preparation, of a variety of complex construction disputes. Mr. McKay is highly experienced in contract litigation and construction claims as both a technical consultant and expert witness. Accepted by several courts as an expert in construction scheduling, methods, procedures and disputes.

MDCSystems®/Day & Zimmermann, Inc., Phila., PA (1988-1997). *Project Manager*

Performed as a team leader on a wide variety of construction related consulting assignments. Clients included major international developers, industrial manufacturing firms, several U.S. government agencies, design firms and contractors.

Capital Program Management, Inc., New York, NY (1986-1988). *Vice President*

Served as a principal in this consulting firm with a national reputation as a leader in the development of architectural programs for correctional facilities. Expanded the firm's services to include construction litigation support.

Email: jmm4944@comcast.net



Cleveland Wrecking Company, Sharon Hill, PA (1981-1985). *Project Manager.*

Provided both resident as well as home office project management on a wide variety of demolition and dismantlement (including asbestos and other hazardous material disposal) projects throughout North America. Estimated numerous projects for bid preparation. Supervised project activities from bidding to closeout. Project size ranged from \$25,000 to \$5 million.

Department of Public Property, City of Philadelphia, PA (1975-1981).

Assistant Director of Architecture and Engineering. Supervised the operation of a 50-person design and construction department. The department was responsible, through its own staff and outside consultants, for the design and construction of a wide variety of municipal facilities. Annual volume included more than 500 contracts with an aggregate value of \$10-\$20 million.

Meridian Engineering, Philadelphia, PA (1973-1975). *Project Manager.*

Provided various support services to the City of Philadelphia as Coordinating Consultant on a proposed \$185 million center city rail tunnel project. Coordinated the work and progress of three primary design firms and their subconsultants on the project. Performed special studies for the City Director of Finance and Managing Director on construction packaging, phasing, double shifting, scheduling, etc.

Citicorp Realty Consultants, New York, NY (1971-1973). *Project Manager.*

Developed long-range client space need projections and architectural programs for client facilities (mostly commercial office space). Served as Owner's Representative on the construction of a new headquarters facility in New Hampshire.

James Kirkman & Associates, Albany, NY (1969-1971). *Project Manager.*

Developed computer-based project management systems for single projects and multi-facility programs. Developed computer-based construction program financing, scheduling and econometric models. Developed detailed computer-based construction schedules for contractors.

New York State University Construction Fund, Albany, NY (1967-1969).

Research Associate. Directed the development of environmental (acoustics, lighting, handicapped access) performance criteria for university facility spaces. Developed long range planning and facility delivery procedures including capital budgeting development.



Professional Resume

Construction Consulting and Litigation Support Worldwide

Page 1

James M. McKay, P.E., AIA.

Education

- Rensselaer Polytechnic Institute, Troy, NY
 - Master of Architecture, 1969
 - Bachelor of Architecture, 1968
 - Bachelor of Science, Building Science, 1966

Registrations

- Professional Engineer: Pennsylvania (PE-027874-E), Maryland (15322), New Jersey (GE42689), Delaware (12306) and Florida (59078)
- Registered Architect: Pennsylvania (RA-006961-X) and Illinois (001-015615)

Professional Affiliations

- American Institute of Architects (AIA), Member
- American Bar Association, Associate Member
- ABA Forum on the Construction Industry, Member

General Experience

Mr. McKay has more than 35 years of diverse experience in the engineering and construction industry including litigation support, expert witness testimony, claims avoidance and resolution, forensic engineering, project/construction management, design, planning, and scheduling. Having worked for owners, architect/engineers, construction managers, general and specialty contractors, he has been responsible for over 100 construction disputes.

Mr. McKay has provided expert witness testimony in a variety of U.S. Federal and State courts, U.S. arbitrations and mediations, and International Arbitration hearings. Disputes have involved issues of defective design, construction means and methods, cost overruns, lost productivity, and schedule delays/acceleration. Project experience includes fossil and nuclear power plants, industrial facilities, defense systems, public buildings including schools and courthouses, and commercial facilities including office buildings and hospitals.

Expert Witness Testimony

Military Housing Renovations, Memphis, TN. Deposition and Trial Testimony. Contractor brought \$5.8M claim for disruption and excessive changes. Analysis demonstrated that contractor was fully compensated. Final judgment order denied contractor any recovery on its claim and favorably cited McKay's testimony. (Defendant).



School Asbestos Removal, Philadelphia, PA. Trial Testimony. Qualified as an expert on asbestos removal procedures, contract requirements, scheduling and cost calculation. Contractor was only awarded nominal damages. (Defendant).

Commercial Renovation, Philadelphia, PA. Alternate Dispute Resolution. Qualified as an expert on contractor means, methods, scheduling, delay/disruption and design document quality. Case settled favorably for MDC's client. (Plaintiff).

Waste Treatment Plant, Passaic Valley, NJ. Deposition Testimony. Contractor claim against Owner alleging increased costs due to defective contract documents and delay. Analysis supported contractor's delay claims and assertions as to defects in the contract documents. Case settled. (Defendant).

Flex Space Building Construction, Alexandria, VA. Trial Testimony. Qualified as expert on developer and schedule completion performance and cost estimating. Jury decision resulted in \$2M award for MDC client. (Plaintiff).

Anti-Trust Suit, Philadelphia, PA. Trial Testimony. Alleging racketeering and restraint of trade, roofing contractor claimed he was illegally barred from city projects. Qualified as an expert on city procurement, bidding procedures, and construction market operations. Case was dismissed and subsequent appeals were rejected. (Defendant).

Jersey City Schools, Jersey City, NJ. Arbitration Hearing Testimony. Project involved the schools' asbestos removal procedures and methods, productivity, schedule analysis, and design documents quality review. (Defendant).

Prudential Office Tower Construction, Chicago, IL. Deposition Testimony. Schedule analysis demonstrated the contractor's entitlement to delay damages. Financial and technical analyses refuted the Owner's claims for defective and incomplete work. (Defendant).

Air Combat Training System, U.S. Air Force. International Arbitration Hearing Testimony, Zurich, Switzerland. In response to claims brought by Iran, analyzed contractor disposition of the assets manufactured under a Foreign Military Sales contract. Analysis included estimating initial manufacturing costs and replacement values for ultimately sold to other customers or scrapped. (Defendant).

Reading Housing Authority, Reading, PA. Arbitration Hearing Testimony. Developed a detailed analysis of the Plaintiff's performance in completing the work despite late turnover of site and late hiring of contractors. Developed an analysis of legitimacy of the Owner's Termination for Cause in lieu of Convenience. (Plaintiff).



General Services Administration, Washington, DC. Trial Testimony. Contractor claim extended overhead and direct labor costs allegedly arising from GSA-caused delays. Qualified and testified as an expert in construction means and methods, cost estimating, scheduling, quantification of economic loss, and the application of the Eichleay Formula. (Defendant).

Non-Treatment Facilities, Metro Water District, Chicago, IL. Deposition Testimony. Contractor presented the District with a substantial claim for increased costs arising from allegedly Owner-related delays. Issues included delay analysis, damage causation, change order impact and the impact of design document problems. (Defendant).

Book Store Roof Collapse, Wilmington, DE. Deposition Testimony. Analyzed liability for a partial roof collapse at a bookstore in Wilmington, DE. Provided expert opinions and analysis of structural calculations and application of codes for steel joist roof collapse. (Defendant).

Pumped Storage, Power Station Mechanical Failure, NJ. Deposition Testimony. Testified on damage quantification resulting from the mechanical failure of one of three hydro-turbines in a pumped storage power station. (Defendant)

Public Buildings

Community College, Nassau County, NY. Prepared an expert report concerning the general contractor's termination and the resulting \$20M suit against the contractor and the surety by the County. Identified the issues leading to the termination, determined the project's true status, and evaluated the County's project schedule updates and entitlement to contract time extensions.

Rail Track Improvements, Amtrak, Providence, RI. Prepared equitable adjustment packages for contractor seeking extra compensation from the DOT regarding design improvements to sections of Amtrak's Northeast Corridor.

Exterior Facade, Philadelphia Int'l Airport, Phila., PA. Start-up delays, poor coordination, and material issues impacted the contractor providing the exterior facade an international terminal. Independently assessed the parties' performance and prepared an expert report.

Office, Shop & Warehouse, Chicago, IL. Performed a schedule analysis for a public authority that constructed a 440,000 sq. ft. warehouse, shop and office complex. Major issues involved curtain wall and HVAC designs.

Elevated Rail Station Renovations, Chicago, IL. Analyzed and prepared response to contractor claims of defective design and poor coordination by the designer of a multi-



station rehabilitation program. Reviewed contract documents, contractor requests for information, and project change orders and evaluated their impact upon the flow of work and project schedule.

Ronald Reagan Building, Washington, D.C. The Architect/Engineer (A/E) claimed additional compensation from the General Service Administration (GSA) for alleged extra work related to contract scope changes. Determined the validity and value of issues raised by A/E.

Federal Courthouse, Minneapolis, MN. Prepared an expert schedule analysis and attended negotiations to settle a claim between the design/build contractor and the GSA.

Historic Post Office Renovation, NY, NY. General contractor experienced unforeseen conditions, including the undocumented presence of asbestos, during construction. Revised the initial baseline schedule to reflect the actual conditions encountered and developed a supportable time extension request. Involved parties settled their claims without litigation.

Steel/Metal Deck Erection, Detroit Metro Airport, Detroit, MI. Steel subcontractor experienced unforeseen conditions including interference by other trade subcontractors, defective design documents, and design changes concerning the Northwest Air terminal. Developed a sophisticated simulation model predicting the magnitude of worker fatigue losses to support subcontractor's claim. Settlement occurred prior to trial.

Naval Air Station, U.S. Navy, MD. Independent review and expert report of subcontractors' claims for damages arising from changes in the piping design and insulation material at the Patuxent River Naval Air Station headquarters.

HVAC Renovation, Department of Energy (DOE) Facility, Germantown, MD. Provided claim review and trial support services for the DOE. Analyzed performance of the contractor selected by the General Services Administration to renovate the HVAC system of a building occupied by client.

Courthouse, Fort Worth, TX. Reviewed documents, specifications, and drawings from counsel regarding security claim.

Medical Center, Veterans Administration, Boston, MA. Provided the general contractor with scheduling maintenance and analysis services for the Veterans Administration facility. Responsible for monthly visual inspections and on-going progress reports with project executives.

Housing Renovation, U.S. Navy. Developed an analysis of a base housing renovation project that confirmed the Navy's rejection of the contractor's claim for additional com-



pensation. Issues included measuring learning curve effects on productivity and the impact of numerous change orders on schedule and cost. Testified at trial on behalf of the U.S. Navy in U.S. Claims Court. Contractor received \$0 award.

Commercial Projects

World Financial Center, New York, NY. On behalf of the developer, analyzed three claims filed by the mechanical, electrical, and sheet metal contractors concerning three high-rise office buildings in Battery Park. Issues included delay, lost productivity, owner interference, and impact of excessive change order costs.

Seven Penn Center, Philadelphia, PA. As Project Manager, developed a response to claims brought by the contractor on a \$50 million, 16-story office building renovation project. Issues included delay, disruption and the removal of asbestos.

Liberty Place II, Philadelphia, PA. Analyzed contract language and reviewed documents in connection with general contractor's claim against building owner. Reviewed project's as-planned schedule and analyzed the impact of change orders issued during the job. Analysis used to refute claims during extensive arbitration hearings.

High-Rise Building, Cladding System, Boston, MA. Developed a schedule analysis of a claim brought by the curtain wall subcontractor for a commercial property owner. Issues included delay, impact of design changes, construction means and methods, acceleration, productivity losses due to changes, and quantification of and entitlement to Owner's counterclaim.

Curtis Center Building, Philadelphia, PA. Prepared an analysis on behalf of the demolition contractor supporting its claim for \$2 million in damages due to disruption, interference, poor design documents, and unforeseen asbestos removal. Project entailed a \$55 million renovation of a 12-story Center City high-rise building. Testified at the Alternative Dispute Resolution (ADR) proceeding involving ten different parties.

Assisted Living Facility, Williamsburg, VA. Project involved the renovation and expansion of the facility. Determined general contractor's entitlement to compensation for alleged extended performance time and acceleration costs.

Contract Recovery and Enhancement, Air and Water Technologies (AWT) Family of Companies, North Branch, NJ. Retained by AWT management and corporate counsel to review the contract performance of its project managers, payments, and change orders. Recommended methods to identify, price, and negotiate change orders on various contracts to enhance recovery. Review effort included several AWT corporate entities including Custodis-Cottrell, Research-Cottrell, KVB/Analect, Falcon Associates, and



Metcalf & Eddy.

Hospital Renovation and Expansion, Philadelphia, PA. Retained in connection with work delays and additional costs concerning the renovation and expansion of various facilities at the University of Pennsylvania Hospital.

Developer Default Investigation, Financial Institution. On behalf of a large bank, analyzed the developer's financial statements and confirmed the client's entitlement to refuse additional project payments. The Court and jury accepted the analysis and the default of the developer was upheld at trial.

Project Experience, Power

Combined Cycle Dual Fuel Power Plant, Milford, CT. During construction an accident created significant time and cost impacts to the project. Identified portions of the project impacted, quantified the value of the impact, and evaluated the time and cost impacts of Extra Work Orders on project progress and cost.

Power Plant, Wauchula, FL. Reviewed contractor's claim and project documents and submitted a new claim better representing impacts to the foundation work. New claim led to a successful settlement agreement.

Nuclear Power Plants, Salem and Hope Creek, NJ. Performed cost schedule and issues analysis on a series of claims for PSE&G's Salem and Hope Creek Stations. Claims covered steam generator and strainer replacements and environmental dredging concerns.

Nuclear Power Plant, Bridgman, MI. As Owner's Representative at the D.C. Cook Nuclear Plant, provided project management oversight, claims avoidance, and claims resolution for scheduled maintenance outage work.

Central Heating Plant Modernization, Confidential Client. Managed the development of costs and issues resulting from the retrofitting of the complex. Prepared schedule analysis of plant upgrades.

Power Facility Construction, Taiwan. Performed a preliminary assessment and developed a substantial basis for damages, including technical and scheduling analysis, regarding this project's construction. Prepared a statement of expert opinions and finding.

Cogeneration Plant, Alberta, Canada. Led the team evaluating the design of a power plant designed to fire using waste wood byproducts. Issues involved the integration of the plant components, fuel separation, storage and preparation systems, combustion systems, and turbine/generator performance.



Industrial Projects

New Flat Products Steel Mill, AL. Developed an analysis of the Owner's right to recover project cost overruns from the design/build contractor. Evaluated the impacts arising from alleged late delivery of owner-furnished primary process equipment, default of a major subcontractor, productivity losses caused by design changes.

Brewery Expansion Project, Houston, TX. Acted as a mediator to resolve a dispute between the facility owner and the mechanical contractor on a large brewery expansion and modernization project. Issues included cost impacts of design changes, late completion by precedent contractors, late delivery of owner furnished equipment and extended overtime productivity losses. Case settled during mediation.

Automobile Assembly Plant, Detroit, MI. Evaluated project documentation and advised client of exposure arising from a Chrysler truck plant modernization project.

Automobile Assembly Plant, Edison, NJ. Prepared an analysis for a project contractor to respond to a delay and disruption claim brought by a subcontractor. Provided contractor with the support for change order requests for owner-caused actions and extra work.

Automobile Assembly Plant, Alliston, Ontario. Assisted with preparation of a request for equitable adjustment involving additional work and cost impact from the installation of an E-coat and phosphate system at the Honda plant.

Aircraft Component Manufacturing, Fredrickson, WA. On behalf of a project prime contractor and its subcontractors, prepared an analysis supporting contractors' claim for extended project duration and owner interference productivity loss costs.

Oil Refining Facility, Alberta, Canada. Led a team that analyzed the extent of property damage, restoration costs, and impact costs resulting from a fire at the Syncrude facility.

Defense & Weapons Systems

Air Defense System, U.S. Air Force, Saudi Arabia. In response to a claim of wrongful termination by the Boeing Corporation, assisted the U.S. Department of Justice and Air Force prepare a defense and counterclaim for alleged overpayment. Analyses included review and evaluation of project schedules, actual progress, and contractor's estimate of cost to complete.

Air Combat Training System, U.S. Air Force. International Arbitration Hearing Testimony in Zurich, Switzerland. In response to claims brought by Iran, analyzed contractor



disposition of the assets manufactured under a Foreign Military Sales contract. Analysis included estimating initial manufacturing costs and replacement values for components incorporated into the work and ultimately sold to other customers or scrapped.





AIA Palm Beach

Jon MacGillis
Palm Beach County
Department of Planning, Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411

Dear Mr. MacGillis:

Please accept this letter as a nomination of Mr. James McKay to the Architect sitting on the Land Development Regulation Advisory Board. The AIA Palm Beach Board of Directors approved this nomination

The American Institute of Architects Thank you,

AIA Palm Beach
3300 S. Dixie Hwy Ste. 1-266
West Palm Beach, FL 33405

T (561) 832-8223
F (850) 224-8048

www.aiapalmbeach.org

Becky Magdaleno, CAE
Executive Director

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

1. Land Development Regulation Advisory Board

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

2. Powers and Duties

The LDRAB shall have the following powers and duties under the provisions of this Code:

- to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
- to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
- to serve as Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164(22) and F.S. § 163.3194.

3. Board Membership

a. Appointment

- The LDRAB shall be composed of 16 members and two at-large alternate members. [Ord. 2015-006]
- Nine of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 2.G.3.A, LDRAB Expertise. [Ord. 2015-006]
- Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications.
- The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications.

b. Qualifications

- The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 2.G.3.A, LDRAB Expertise.
- Each BCC appointment shall be with consideration in the following areas of expertise:
 - Landscape Architecture.
 - Redevelopment Expertise.
 - Fiscal Impact Analysis Expertise.
 - Land Use/Real Estate Law.
 - Natural Sciences.
 - Business Development.
- No more than two members of the LDRAB shall represent the same occupation or business. [Ord. 2010-022]

Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	Realtors Association of the Palm Beaches
7. Surveyor	Florida Surveying and Mapping Society.
8. Commercial Builder	Assoc. General Contractors of America
9. AICP Planner	PBC Planning Congress
[Ord. 2010-022] [Ord. 2015-006]	

c. Terms of Office

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Staff

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

5. Meetings

a. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

b. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]

B. Code Enforcement Special Master

1. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master. [Ord. 2015-006]

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

3. Rules of Procedure

The BCC shall have the authority prescribe rules of procedure for the conduct of hearings before the Special Master by resolution

4. Term

Special Master shall serve a term of one year from the date of appointment by County Administrator. Special Master may be reappointed at the discretion of County Administrator. There shall be no limit on the number of terms a person may serve as a Special Master.

5. Removal

At any time during the appointment, County Administrator shall have the authority to remove a Special Master with or without cause upon ten days written notice.

6. Vacancy

If any Special Master resigns or is removed prior to expiration of his or her term or County Administrator determines that the Special Master should not be reappointed, County Administrator shall appoint a Special Master from the pool of candidates previously selected by the BCC to fill the vacancy within 30 days.

7. Conflicts of Interest

Special Master shall not be considered outside or special counsel and shall not be subject to PPM# CW-O-52 relating to outside counsel conflicts of interest.