

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: May 2, 2017

(X) Consent
() Workshop

() Regular
() Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to adopt:** a Resolution repealing Resolution No. R2014-0286, which established the Artificial Reef and Estuarine Enhancement Committee (Committee), thereby sunsetting the Committee.

Summary: During its regular meeting on March 2, 2017, the Committee passed a unanimous motion recommending that the Board of County Commissioners (BCC) sunset the Committee, a recommendation that is supported by staff. ERM has developed a fully staffed artificial reef and estuarine enhancement program, gaining experience and expertise in designing, funding and building habitat projects. As such, the Committee has not needed to advise the BCC for some time. As part of its motion to sunset, the Committee requested that Palm Beach County Department of Environmental Resource Management (ERM) commit to maintain regular public dialog regarding artificial reef and estuarine enhancement. Countywide (AH)

Background and Justification: The Committee was formed in 1985 (R85-2075) to review and make recommendations to the BCC regarding the implementation of the artificial reef program. At that time there was no dedicated staff or funding for the program. The Committee's role was later expanded (R90-601) to include estuarine enhancement activities

During its tenure of over 31 years, the Committee and ERM staff worked together to construct 155 artificial reef projects and complete many estuarine enhancement projects. The County owes a great debt of gratitude to the Committee for all of these successes.

Attachment:

1. Resolution
2. Resolution No. R2014-0286

Recommended by:


Department Director

4/6/17
Date

Approved by:


Deputy County Administrator

4/12/17
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating Costs	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
External Revenues	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Program Income (County)	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
In-Kind Match (County)	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NET FISCAL IMPACT	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>\$0</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Is Item Included in Current Budget?	Yes <u> </u>		No <u> </u>		
Budget Account No.:	Fund <u> </u>	Department <u> </u>	Unit <u> </u>	Object <u> </u>	
	Program <u> </u>				

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

No fiscal impact associated with this board item.

C. Department Fiscal Review:

[Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

[Signature] 4/10/17
OFMB 4/11/17

[Signature] 4/11/17
Contract Development and Control
4/11/17

B. Legal Sufficiency:

[Signature] 4-11-17
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, REPEALING RESOLUTION NO. R2014-
0286, SUNSETTING THE ARTIFICIAL REEF AND
ESTUARINE ENHANCEMENT COMMITTEE.**

WHEREAS, the Board of County Commissioners of Palm Beach County (Board) created the Artificial Reef Committee on December 17, 1985 (R-1985-2075) to advise the Commissioners and county staff on the new artificial reef program; and

WHEREAS, the Resolution was amended April 3, 1990 (R-1990-601) to expand the Artificial Reef Committee to the Artificial Reef and Estuarine Enhancement Committee (Committee) and to modify its duties to include an advisory role to the Board on matters associated with the enhancement of estuarine water bodies as well as the construction of artificial reefs; and

WHEREAS, the Committee was restructured several additional times over the years with the most recent changes being amended on March 11, 2014 (R2014-0286) that repealed and replaced R-2008-0286; and

WHEREAS, over the 31 years of time since the Committee existed, the County has constructed 155 artificial reefs and numerous estuarine enhancement projects and owes a great debt of gratitude to Committee members for the successes of the programs; and

WHEREAS, the role of the Committee in advising the Board has diminished over time as Department of Environmental Resources Management (ERM) staff have gained experience in designing, funding and building projects; and

WHEREAS, Committee members and ERM are committed to maintaining regular public dialog regarding artificial reef and estuarine enhancement activities, the Committee recommends that the Board repeal Resolution R2014-0286, as amended.

(Remaining portion of this page has been intentionally left blank)

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

Section 1: The Board of County Commissioners hereby repeals Resolution R-2014-0286 and hereby dissolves the Artificial Reef and Estuarine Enhancement Committee, effective immediately.

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

Commissioner Paulette Burdick, Mayor _____

Commissioner Melissa McKinlay, Vice Mayor _____

Commissioner Hal R. Valeche _____

Commissioner Dave Kerner _____

Commissioner Steven L. Abrams _____

Commissioner Mary Lou Berger _____

Commissioner Mack Bernard _____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2017.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By _____

Assistant County Attorney

By _____

Deputy Clerk

ATTACHMENT 2

RESOLUTION NO. 0286

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 1st and end on September 30th. Existing member's terms shall end on September 30th 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

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

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

The Mayor thereupon declared the Resolution duly passed and adopted this 11th
day of March, 2014.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

[Signature]
County Attorney

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

[Signature]
Sharon B. [Signature]
Deputy Clerk & Commissioner

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

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller, do hereby
this to be a true and correct copy of the original
filed in my office on MAR 11 2009
dated at West Palm Beach, FL 9-9-08
By: [Signature]
Deputy Clerk