

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARD APPOINTMENT SUMMARY**

**Meeting Date:** August 14, 2018

**Department:** TOURIST DEVELOPMENT COUNCIL

**Advisory Board:** TOURIST DEVELOPMENT COUNCIL

**I. EXECUTIVE BRIEF**

**Motion & Title:** Staff recommends motion to appoint: a member "At-Large" to the Tourist Development Council Board to complete the one-month remainder of the term left vacant by West Palm Beach Commissioner Sylvia Moffett and appoint Commissioner James to a full four-year term.

<b><u>A.) Appointment</u></b>	<b><u>Seat #</u></b>	<b><u>Term</u></b>	<b><u>Nominated by</u></b>
Commissioner Keith James	At-Large	8/14/18-9/30/2022	City of WPB

**Summary:** The Tourist Development Council (TDC) was established by Resolution No. R-81-275, adopted March 3, 1981; Chapter 125.0104 F.S. "The Levy of a Tourist Development Tax pursuant to the "LOCAL OPTION TOURIST DEVELOPMENT ACT," Palm Beach County Code 117-111. This Code sets up the nine (9) member Tourist Development Council. One member shall be the Chair of the BCC or designee who shall serve as the Chair of the Council. Of the remaining eight (8) members appointed by the BCC; two (2) members shall be elected municipal officials, one of whom shall be from the most populous municipality in Palm Beach County. Keith James is a current commissioner of the City of West Palm Beach, the most populous municipality in Palm Beach County. Commissioner Keith James represents District 4 in West Palm Beach and has been selected to serve on the Tourist Development Council and represent the City of West Palm Beach to complete Sylvia Moffett's term expiring on 9/30/18 and to an additional four-year term expiring 9/30/2022. The TDC has 8-member seats currently filled and a diversity count of Caucasian: 6 (75%) and African-American 2 (25%). The gender ratio (male/female) is 5:3. TDC Countywide (DW)

**Background and Justification:** The membership of the Council consists of 2 elected government officials, 3 local owners/operators of hotels, motels or other tourist accommodations subject to the tax, and 3 members with demonstrated interest in the tourism industry but not owner/operators. The Council prepares a Plan for tourist development; this Plan sets forth the anticipated net Tourist Development Tax revenue derived by PBC for 24 months following the levy of the tax, the tax district in which the Tourist Development Tax is proposed, lists in order of priority proposed uses of said tax revenue by special project or special use as authorized under F.S. 125.0104; the Plan shall include approximate cost or expense allocation for each special project or special use.

**Attachments:**

1. Board Application Form
2. Bio of Commissioner Keith James
3. FS 125.0104 (excerpt regarding membership composition)

**Recommended by:** \_\_\_\_\_ **7/26/18**  
**Department Director** **Date**

**Legal Sufficiency:** \_\_\_\_\_ **7/30/18**  
**Assistant County Attorney** **Date**

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: PBC Tourist Development Council Advisory ☒ Not Advisory ☐  
☒ At Large Appointment or ☐ District Appointment /District #: \_\_\_\_\_  
Term of Appointment: +4 Years. From: 7/10/2018 To: 9/30/2022  
Seat Requirement: Elected Official from the Largest Municipality Seat #: At-Large  
☐ \*Reappointment or ☐ New Appointment  
or ☒ to complete the term of Commissioner Sylvia Moffett Due to: ☒ resignation ☐ other  
Completion of term to expire on: 9/30/2019 with another full 4-year term

\*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: James Keith A.  
Last First Middle  
Occupation/Affiliation: WPB City Commissioner  
Owner ☐ Employee ☐ Officer ☒  
Business Name: Keith A. James, P.A.  
Business Address: 105 S. Narussus Ave, #505  
City & State: West Palm Beach, FL Zip Code: 33401  
Residence Address: 2365 Pigeon Cay  
City & State: West Palm Beach, FL Zip Code: 33411  
Home Phone: ( ) Business Phone: 661 655-9220 Ext.  
Cell Phone: ( ) 561-373-6774 Fax: 660 655-9222  
Email Address: \_\_\_\_\_

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.

Contract/Transaction No.	Department/Division	Description of Services	Term
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary)			
OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

**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):

☒ By watching the training program on the Web, DVD or VHS on \_\_\_\_\_ 20\_\_\_\_  
☒ By attending a live presentation given on June 11, 2018

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: [Signature] Printed Name: Keth A. James Date: 6/14/18

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) 355-1915.

Return this FORM to:  
Carol Meneely, TDC  
[cmeneely@palmbeachfl.com](mailto:cmeneely@palmbeachfl.com)

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: 8/14/2018

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



**Keith A. James**  
**City Commissioner, District 4**

Keith James has resided in Palm Beach County since 1987. Mr. James currently practices corporate and real estate law through his own law firm, Keith A. James, P.A. Mr. James graduated from Harvard College in 1979 and Harvard Law School in 1982.

Keith James has been significantly involved with his local and state communities. Most recently, Mr. James chaired a special citizens' task force formed by the Mayor of West Palm Beach to review the city's ethics code and make recommendations thereto. Mr. James is also chairing the Paragon Foundation, which was formed at the request of County Commission Chairperson Addie Greene to implement minority economic development in connection with the location of the Scripps Research Institute in northern Palm Beach County.

Mr. James has served on the Boards of Trustees of such illustrious organizations as the Norton Museum of Art, the Quantum Foundation (former Chair), the Community Foundation of Palm Beach and Martin Counties, Leadership Florida (former Chair), Florida Commission on Human Relations (former Chair), Legal Aid Society, JFK Hospital, and the Harvard Alumni Association. In 1992, Mr. James was awarded the Price Waterhouse/South Florida Business Journal "Up and Comers" Award. In 1996, Mr. James was selected as an African American Achiever by the J.M. Family Foundation.

Since graduation from Harvard Law School, Mr. James has concentrated his practice in the area of general corporate law, real estate law, and governmental law. Mr. James represents several small and medium-sized corporations, and private entrepreneurs. Mr. James has lectured extensively in professional seminars relating to formation and organization of family limited partnerships and limited liability companies, purchase and sale of businesses, non-profit corporations, and preparation and negotiation of stock purchase and asset purchase agreements. In recent years, Mr. James lectured at the Delray Academy for Non-Profits.

Mr. James is a member of the American Bar Association, the National Bar Association, the Palm Beach County Bar Association, and the Florida Bar. Mr. James formerly served as chairman of one of the Florida Bar's Grievance Committees for the Fifteenth Judicial Circuit.

Commissioner Keith A. James was sworn in to office on March 31, 2011.

council, as prescribed in paragraph (e), and indicating the intention of the county to consider the enactment of an ordinance levying and imposing the tourist development tax.

(c) Prior to enactment of the ordinance levying and imposing the tax, the county tourist development council shall prepare and submit to the governing board of the county for its approval a plan for tourist development. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the county for the 24 months following the levy of the tax; the tax district in which the tourist development tax is proposed; and a list, in the order of priority, of the proposed uses of the tax revenue by specific project or special use as the same are authorized under subsection (5). The plan shall include the approximate cost or expense allocation for each specific project or special use.

(d) The governing board of the county shall adopt the county plan for tourist development as part of the ordinance levying the tax. After enactment of the ordinance levying and imposing the tax, the plan of tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.

(e) The governing board of each county which levies and imposes a tourist development tax under this section shall appoint an advisory council to be known as the “(name of county) Tourist Development Council.” The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, and this act shall not cause the interruption of the current term of any person who is a member of a council on October 1, 1996.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more:
  - a. Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or subcounty special taxing district in which the tax is levied;
  - b. Auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 U.S.C. s. 501(c)(3) and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied; or