

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

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Meeting Date: May 7, 2019
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 member to the Land Development Regulation Advisory Board (LDRAB), for the term from February 6, 2019, to February 8, 2022.

<u>Appoint</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Susan Kennedy	12	Environmental Org.	Sierra Club, Loxahatchee Group
or Reinaldo Diaz	12	Environmental Org.	Audubon Florida

SUMMARY: The LDRAB is comprised of 18 members. The term of office for Board members is three years, with a limit of three consecutive three-year terms. Nine of the members shall be appointed by a majority of the Board of County Commissioners (BCC) upon a recommendation by the following 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, Associated General Contractors of America and The Palm Beach County Planning Congress. Seven members will be appointed by the BCC; one from each commissioner as a district appointment, with consideration of expertise stated in Article 2. G.3. A.3.b. The BCC shall also appoint two at-large alternate members, by a majority vote of the BCC with consideration of the expertise noted above. The LDRAB provides no regulation, oversight, management, or policy-setting recommendations regarding the County contract(s). Disclosure of any contractual relationship with the County shall be made at a duly noticed public meeting is being provided in accordance with the provisions of Section. 2-443, of the Palm Beach County Code of Ethics. The Board consists of 18 members, with 16 seats currently filled and a diversity count of Caucasian: 14 (88%), African-American: 1 (6%), Hispanic-American 1 (6%). The gender ratio (male: female) is 13:3. Ms. Kennedy is Caucasian female. Mr. Diaz is Hispanic-American male. Staff will continue to address the need to increase diversity on our boards. 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 Applications
 2. Resume of Nominees
 3. Nomination from Sierra Club, Loxahatchee Group – Ms. Kennedy
 4. Nomination from Audubon Florida – Mr. Diaz
 5. Unified Land Development Code, Article 2, Chapter G, Section 3.A

=====
Recommended By:  4/12/19
Department Director Date
Legal Sufficiency:  4/15/19
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: 2/6/19 To: 2/8/2022

Seat Requirement: _____ Seat #: 12

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

***When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____**

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Kennedy Susan Ann
Last First Middle

Occupation/Affiliation: Artist & Small Business Owner
Owner Employee Officer

Business Name: SwampFires, Inc.

Business Address: 1432 Cypress Drive, Suite 21

City & State: Jupiter, FL Zip Code: 33469

Residence Address: 16343 Jupiter Farms Road

City & State: Jupiter, FL Zip Code: 33478

Home Phone: () 561-746-0417 Business Phone: () Ext. _____

Cell Phone: () 561-762-7220 Fax: ()

Email Address: susan@swampfires.com

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

NOT APPLICABLE/
(Governmental Entity)

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.

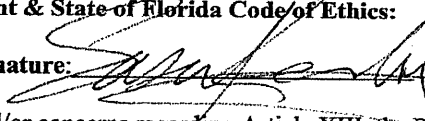
By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

By watching the training program on the Web, DVD or VHS on April 8 2019

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:  Printed Name: Susan Kennedy Date: 4/8/2019

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:

Yvonne Wamsley, Senior Secretary (ywamsley@pbcgov.org)

PZ&B - Zoning Division

2300 N Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

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

Revised 02/01/2016

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

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Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Diaz Reinaldo Daniel
Last First Middle

Occupation/Affiliation: Waterkeeper/President
Owner Employee Officer

Business Name: Lake Worth Waterkeeper

Business Address: P.O. Box 1367

City & State: Lake Worth, FL Zip Code: 33460

Residence Address: 4035 Ruth Road

City & State: Lake Worth, FL Zip Code: 33461

Home Phone: () 561-967-0745 Business Phone: () _____ Ext. _____

Cell Phone: () 561-707-2897 Fax: () _____

Email Address: Reinaldo@lakeworthwaterkeeper.org

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: N/A

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.

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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"/>

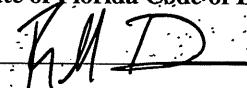
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- By watching the training program on the Web, DVD or VHS on April 8, 2019
 By attending a live presentation given on _____, 20____

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:  Printed Name: Reinaldo Diaz Date: April 8, 2019

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:
 Yvonne Wamsley, Senior Secretary (ywamsley@pbcgov.org)
 PZ&B - Zoning Division
 2300 N Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Susan A. Kennedy

16343 Jupiter Farms Road, Jupiter, FL 33478

561-762-7220 ♦ susan@swampfires.com

Education

- LEGAL:** **Florida State University College of Law**
Tallahassee, Florida
Juris Doctorate, May 1998.
Oxford University, Oxford, England, Summer 1996.
Charles University, Prague, Czech Republic, Summer 1996.
- Honors: Book Award in **Comparative Law**, Fall 1997.
Macfarlane, Ferguson & McMullen Book Award in **Environmental Law and Business**, Summer 1997.
Book Award in **Comparative Law - Prague**, Summer 1996.
- GRADUATE:** **Florida State University**
Master of Science in Political Science, December 1989.
- COLLEGE:** **Florida State University**
Bachelor of Arts in Political Science and History, April 1998; Bachelor of Arts in International Affairs, April 1998.

Experience

President/Owner, SwampFires, Inc, January 2010 - Present

Owner/Operator of SwampFires, a local pottery and apothecary company participating in local art and craft shows, as well as online sales and studio classes

Attorney, Susan A. Kennedy, Attorney at Law

Jupiter, Florida, November 2002 – December 2009.

- ◆ Represent clients in administrative and local government matters, including litigation through administrative hearings and civil law suits.
- ◆ Communicate client issues to local government, regional and state agency officials, and to appointed and elected boards and commissions.
- ◆ Research issues and advise clients in administrative, local government, land use, and non-profit organization matters.
- ◆ Perform contract analysis and drafting, and estate document preparation.
- ◆ Investigate and negotiate business litigation issues on contract basis.

Associate Attorney, Tomas J. Baird, P.A.

North Palm Beach, Florida, Nov. 1999 – Nov. 2002

- ◆ Assisted the Attorney for the Town of Lake Park and the Town of Jupiter in performing the duties of general legal counsel.
- ◆ Researched and drafted documents on behalf of municipalities and private clients in civil law suits and administrative hearings.
- ◆ Assisted with hearings, trials and appeals of land use, zoning, code enforcement and employment discrimination litigation.
- ◆ Researched and prepared legal memorandum in response to local government and private client inquiries, on issues such as water utilities, land use and zoning, towing services, historical guidelines and industrial development.
- ◆ Drafted, reviewed, and revised for legal sufficiency, contracts, franchise agreements, requests for proposals, and other binding documents for both municipal and private clients.
- ◆ Represented the Town's departments as legal counsel at various commission and board meetings, as assigned.
- ◆ Provided advice to department representatives on legal questions.

Legal Extern, Florida Department of Community Affairs

Tallahassee, Florida, January 1998 – April 1998.

- ◆ Researched and prepared legal analysis of issues in pending cases.
- ◆ Drafted pleadings, motions, and discovery for individual caseload.
- ◆ Communicated with clients and attorneys concerning active cases.
- ◆ Studied applicable substantive law governing local government land use planning, community redevelopment, environmental land and water management and coastal planning and management.

Student Affairs Residence Coordinator, Florida State University Housing

Tallahassee, Florida, January 1990 – June 1995.

- ◆ Administered the operation of a residence hall housing over 500 students, including supervision of twenty-eight staff members.
- ◆ Coordinated with University departments regarding student issues, including discipline, academic and career advising, educational programming, and sensitive matters.
- ◆ Advised students in academic, career, disciplinary, and sensitive matters.
- ◆ Planned and directed campus-wide residence hall activities to ensure that time and funding conditions were accomplished.
- ◆ Edited University Housing publications, including residence hall conduct code, to ensure consistency with University policies.
- ◆ Presented educational programs to students and staff on issues of communication, diversity, leadership, and student conduct.
- ◆ Led teams to develop and manage training sessions for student, para-professional, and professional staff members at local and regional levels.

Community & Pro-Bono Activities

Northeast Everglades Trails Association

- ◆ Volunteer member and Lands Liaison.

Jupiter Farms Environmental Council, Inc. & Loxahatchee River Coalition

- ◆ Volunteer member and President.
- ◆ Represent on pro-bono basis before local government elected officials regarding community issues and stewardship of natural areas, and during administrative hearing.

Jupiter Farms Residents Community Emergency Response Team (CERT)

- ◆ Volunteer Member.

The Jupiter Farmer

- ◆ Contributing Volunteer Writer.

Jupiter Horseman's Association, Inc.

- ◆ Volunteer Member.
- ◆ Neighborhood Equestrian Center Committee.

Reinaldo Daniel Diaz

4035 Ruth Street. Lake Worth, FL 33461
mobile 561.707.2897 email Reinaldo@lakeworthwaterkeeper.org

Profile

As a native Floridian and avid outdoorsman I was raised with an admiration for its lifestyle and natural resources, with that came a great desire to protect the unique community that I call home. My education and experience is broad but has allowed me to develop a profound understanding of effective communication skills across various media with an understanding of Florida's environment and its development. I have been fortunate enough to surround myself with excellent mentors, who have developed the essential skills necessary for effective advocacy.

Work Experience

President, Lake Worth Waterkeeper. Lake Worth, Florida. 2017-present
Founding President of Lake Worth Waterkeeper, a local nonprofit and member of Waterkeeper Alliance dedicated to the protection and restoration of the Lake Worth Lagoon and its watershed.

Executive Director, Calusa Waterkeeper. Fort Myers, Florida. 2017-2018
Develop and implement fundraising strategy.

Clerk, Robert N. Hartsell, P.A. Attorneys at Law. Pompano Beach, Florida. 2014-2015
Research and write various documents for all stages of litigation on various areas of public interest law.

Intern, Law Office of Andrew Dickman, P.A. South Florida. 2013-2014
Planned trial strategies and prepared a variety of documents for cases involving local land development challenges.

Intern, Land Use and Environmental Law Clinic at Nova Southeastern University. Davie, Florida. 2013
Participated in a wide variety of land use and environmental law issues; attended seminars, proposed comprehensive plan amendments, and participated in DOAH hearings. Was involved with all stages from preliminary communication with clients to final preparation of court documents.

Research Assistant, Nova Southeastern University. Davie, Florida. 2013-2014
Researched and edited for Professor Richard Grosso on various Environmental law issues.

Treasurer of Environmental and Land Use Law Society, Nova Southeastern University. Davie, Florida. 2013-2014
Managed member dues and organization funding for events educating fellow students on environmental law issues.

Retail Sales Associate, Divers Direct. Palm Beach Gardens, Florida. 2011-2014
Among regular duties, organized community events such as beach cleanups and informational seminars.

Photographer/Video Editor, Laronge Photographie Couture. Jupiter, Florida. 2007-2013
Collaborated with art director for editing projects as well as coordinating video shoots.

Divemaster, The Scuba Club. West Palm Beach, Florida. 2006-2009
Accompanied clients on scuba diving excursions as a local expert guide while ensuring their safety.

Education

Nova Southeastern University. Davie, Florida. 2014
Juris Doctor

Miami Dade College School of Justice. Miami, Florida. 2010
Basic Law Enforcement Academy

Centro de Investigaciones. Salango, Ecuador. 2005
Ethnography Field School studying the effects of an industrial fishing factory adjacent to a local fishing village.

Florida Atlantic University. Boca Raton, Florida. 2005
Bachelor of Arts in Communication with minor in Anthropology

References

Richard Grosso – 954.801.5662
Robert Hartsell, P.A. – 954.778.1052
Celeste De Palma – 305.343.4468
Kimberly Mitchell – 561.685.7093



Loxahatchee Group
Sierra Club
PO Box 6271
Lake Worth, FL 33466-6271
<http://www.sierraclub.org/florida/loxahatchee>
loxahatchee@florida.sierraclub.org

April 7, 2019

Commissioner Hal R. Valeche
301 North Olive Ave. Suite 1201
West Palm Beach, FL 33401

Dear Commissioner Valeche,

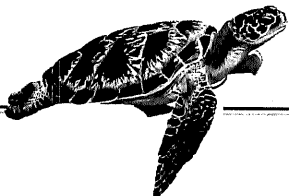
The Executive Committee of the Sierra Club, Loxahatchee Group, is pleased to recommend Susan Kennedy for the open environmental position on the Land Development Regulation Advisory Board (LDRAB).

Susan has a lengthy and extensive history of advocating for responsible development and protection of the environment in Palm Beach County and we feel she would bring significant expertise to this position.

Thank you for your consideration,

Lisa Hanley, Public Lands Issue Chair (for) The Sierra Club, Loxahatchee Group Executive Committee

Mary Cassel, Chair
Drew Martin, Vice-chair
Rose Loeff
Stephanie Smith
Elle Rapport
Jim Ewing
Sapna Gupta
Ida Foster
Gary Landau



Representing Palm Beach, Martin, St Lucie & Okeechobee Counties



4500 Biscayne Blvd., Suite 350
Miami, FL 33137
305-371-6399
fl.audubon.org

April 9, 2019

Honorable Commissioner Greg K. Weiss
Palm Beach County Commission, District 2
301 North Olive Ave. Suite 1201
West Palm Beach, FL 33401
VIA EMAIL: GWeiss@pbcgov.org

RE: Nominating Lake Worth Waterkeeper Reinaldo Diaz to Palm Beach County's Land Development Advisory Board

Dear Commissioner Weiss:

Florida's sparkling blue waters attract hundreds of thousands of visitors each year, breaking visitation records year after year. Our brand is our water. Whether we are talking about tourism, real estate, or agriculture, water is the fuel that keeps our economic engines running. Over recent years, our brand has suffered from a combination of red tide and toxic algal blooms. More than ever, the way we grow our communities has a direct effect on our waterways, our quality of life, and our prosperity. To that end, I would like to nominate Reinaldo Diaz with Lake Worth Waterkeeper to the vacant environmental seat in Palm Beach County's Land Development Advisory Board (LDAB).

Reinlando is a talented and knowledgeable advocate for Florida's wildlife and waters, respected across the environmental community. He has a bachelor's degree in communication and anthropology from Florida Atlantic University, and a J.D. from Nova Southeastern University. Reinlado was the Executive Director at Calusa Waterkeeper, and later on transitioned to fund and run Lake Worth Waterkeeper, a nonprofit organization that advocates for the Lake Worth Lagoon and its watershed.

Reinaldo calls Lake Worth Lagoon "his home watershed." He would provide a much-needed environmental perspective as a new member of the LDAB. I hope you consider my nomination.

Sincerely,

Celeste De Palma
Director of Everglades Policy
Audubon Florida

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:

- a. 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;
- b. 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
- c. 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

- 1) The LDRAB shall be composed of 16 members and two at-large alternate members. [Ord. 2015-006]
- 2) 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]
- 3) 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.
- 4) 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

- 1) 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.
- 2) Each BCC appointment shall be with consideration in the following areas of expertise:
 - a) Landscape Architecture.
 - b) Redevelopment Expertise.
 - c) Fiscal Impact Analysis Expertise.
 - d) Land Use/Real Estate Law.
 - e) Natural Sciences.
 - f) Business Development.
- 3) 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.

8. Meetings

a. Scheduling

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Article 10.B.1, Procedure, a hearing may be called as soon as practical.

b. Operating Procedures

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

C. Development Review Appeals Board

1. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

2. Powers and Duties

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

- a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
- b. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP; and **[Ord. 2007-013]**
- c. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

3. Board Membership

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

4. Officers; Staff

a. Chair and Vice-Chair

The Executive Director of PZB shall be the Chair of the DRAB.

b. Staff

PZB staff shall be the professional staff for the DRAB.

5. Meetings

a. General

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

D. Environmental Appeals Board

1. Establishment

There is hereby established an Environmental Appeals Board (EAB).

2. Powers and Duties

The EAB has the following powers and duties:

- a. to hear appeals from certain requirements, interpretations, or determinations of Article 15, Health Regulations, made by the PBCHD or the Environmental Control Officer.

3. Board Membership

a. Qualifications

The EAB shall be composed of five members appointed by the Environmental Control Board (ECB). The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association. **[Ord. 2011-016]**

b. Terms of Office

All EAB members shall serve a term of three years. 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. Officers

a. Secretary

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

b. Staff

The PBCHD shall be the professional staff of the EAB.

5. Meetings

a. General or Special Meetings

General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

E. Environmental Control Hearing Board

1. Establishment

There is hereby established an Environmental Control Hearing Board (ECHB).

2. Powers and Duties

The ECHB has the following powers and duties:

- a. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
- b. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
 - 1) to refrain from committing, creating, maintaining, or permitting the violations;
 - 2) to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
 - 3) to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
 - 4) to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
 - 5) to administer oaths to any or all persons who are to testify before the ECHB.

3. Qualifications

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

4. Officers

a. Secretary

The Environmental Control Officer shall serve as Secretary of the ECHB.

b. Staff

The PBCHD shall be the professional staff of the ECHB.

5. General or Special Meetings

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

6. Term Limits

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]**

F. Groundwater and Natural Resources Protection Board

1. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

2. Powers and Duties

The GNRPB shall have the following powers and duties:

- a. to hold hearings as necessary to enforce Article 14, Environmental Standards. ERM may refer alleged violations of Art. 14 Environmental Standards, and applicable Art. 4.B.10, Excavation Uses, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; **[Ord. 2006-004]** **[Ord. 2010-022]** **[Ord. 2017-007]**
- b. to adopt rules of procedure for the conduct of hearings;
- c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
- d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
- e. to take testimony under oath;

- f. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the violation of Article 14, Environmental Standards;
- g. to lien property; and
- h. to assess administrative fines and costs pursuant to Article 14, Environmental Standards.

3. Board Membership

a. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC upon a recommendation by the organization listed in Table 2.G.3.F, GNRPB Membership. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist or a hydrogeologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization. [Ord. 2011-001]

Table 2.G.3.F - GNRPB Membership

Affiliation	Organizations
Professional Engineer	Palm Beach Chapter Florida Engineering Society
Attorney	Palm Beach County Bar Association
Hydrologist or Hydrogeologist	Florida Association of Professional Geologists Society
Citizen with Business management expertise	At Large
Biologist or Chemist	Florida Association of Environmental Professionals
Environmental Organization	Native Plant Society
Concerned Citizen	At Large
[Ord. 2011-001]	

b. Terms of Office

All members shall serve a term of three years. 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. Secretary and Staff

The Director of ERM shall serve as Secretary of the GNRPB. ERM shall be the professional staff of the GNRPB.

5. Meetings

a. General

General meetings of the GNRPB shall be held no more frequently than once every month. Special meetings may be called by the Chair of the GNRPB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each Board member prior to a special meeting.

G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Article 2.G.3.B, Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]

2. Duties

A hearing officer shall have the following duties:

- a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
- b. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
- c. to perform such other tasks and duties as the BCC may assign.

H. Historic Resources Review Board

1. Establishment

There is hereby established a Historic Resources Review Board (HRRB).

2. Powers and Duties

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

- a. develop, administer and update an accurate inventory of historic resources in unincorporated PBC and on PBC owned property in municipalities. The inventory shall be used to formulate a map of historic district boundaries and historically significant properties meriting protection to be incorporated into the land use element of the Plan.
- b. pursuant to Article 9.B, Historic Preservation Procedures, nominate and accept nominations for public and private properties for designation and regulate and administer such properties, structures, buildings, sites, districts, etc. so designated as historic sites and/or districts. The Department, in conjunction with the HRRB, shall establish a schedule for nominations for public and private properties for designation;
- c. participate in the National Register program in Florida to the greatest possible extent, as defined by the 1981 and subsequent amendments to the Historic Preservation Act of 1966 and regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Bureau of Historic Preservation;
- d. act as a regulatory body to approve, deny or modify Certificates of Appropriateness as specified by Article 9, Archaeological and Historic Preservation;
- e. make recommendations concerning amendments to the Plan, this Code, Building and other development related codes as they relate to the preservation of Historic Resources;
- f. make recommendations regarding historic and archeological resources on property owned by PBC;
- g. pursuant to Article 9.B.4.B, Waiver of the Code Provisions, review and comment to the BCC concerning waiver of Code provisions for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places; **[Ord. 2012-027]**
- h. develop, establish, and administer guidelines concerning contemporaneous architectural styles, colors, building materials and so forth for historic sites and historic districts. Such guidelines will be subject to approval by the BCC;
- i. coordinate with other entities to support increased public awareness of the value of historic preservation;
- j. after PBC qualifies as a Certified Local Government, make recommendations to PBC Commission concerning the use of grants from Federal and State agencies, to augment PBC funding in order to promote the preservation and conservation of archaeological sites of historic significance, historic sites and historic districts;
- k. cooperate and coordinate with property owners, public and private organizations, businesses and other individuals to help ensure the conservation and preservation of archaeological sites, contents within said sites, buildings, structures and districts of historic significance, especially those for which demolition or destruction is proposed;
- l. create and approve the design of standardized historic markers and plaques and issue recognition to designated historic sites and historic districts within PBC;
- m. execute any other needed and appropriate historic resource preservation functions which may be approved by the BCC;
- n. develop and administer a Historic Preservation Manual for PBC to help property owners fulfill the regulations and requirements of this ordinance;
- o. hear, consider and approve, approve with conditions or deny applications for Certificate to Dig;
- p. make recommendations to the BCC regarding proposed amendments to the map of known archeological sites;
- q. initial resources shall be dedicated to those functions which shall qualify PBC as a Certified Local Government;
- r. make every effort to be represented at meetings, conferences and workshops pertaining to the functions of the HRRB scheduled by the State Historic Preservation offices or the Florida Conference of Preservation Boards and Commissions;
- s. seek expertise or proposals of matters requiring evaluation by a professional of a discipline not represented on the HRRB; and
- t. the HRRB's responsibilities shall be complementary to the powers of the State Historic Preservation Office.

3. Board Membership

a. Qualifications

There shall be nine members of the HRRB. Members of the HRRB shall be residents of PBC, Florida and demonstrate an interest in local history. One member with professional experience shall be appointed from each of the following five professional disciplines: history, architecture, archeology, architectural history and historic architecture. Other historic preservation related disciplines, such as Urban Planning, American Studies, American Civilization, Cultural Geography or Cultural Anthropology shall be considered when choosing appointments for these five of the nine members of the HRRB. Each of these five positions shall meet the requirements outlined in the Professional Qualifications Standards of the Florida Certified Local Government Guidelines. In addition to the above five positions, there shall be a sixth person with a demonstrated interest, degree or experience in one of the above professional disciplines who is also a resident of the area of PBC West of Twenty Mile Bend, including any of the incorporated or unincorporated communities in proximity to Lake Okeechobee. There are no specific requirements for the other three positions as a prerequisite to appointment but consideration shall be given to the following with a demonstrated interest in history, architecture or related disciplines: business person, engineer, contractor in a construction trade, landscape architect, urban planner, attorney, and resident of areas identified by 1990 PBC Historic Sites Survey as containing 25 or more structures with potential for historic preservation. Persons seeking appointment to the HRRB shall be willing to invest time to assist staff in site evaluations, establishing priorities, public education efforts, survey and planning activities of the Certified Local Government Program and the other responsibilities of the HRRB. Board members shall attend pertinent educational conferences and seminars.

b. Appointment

The members of the HRRB shall be appointed at large by the BCC.

c. Terms of Office

Each appointment shall be made for a term of three years. Any member may be reappointed upon approval of the BCC as provided for herein. [Ord. 2013-001]

4. Secretary and Staff

a. Secretary

The Planning Director of the PZB shall serve as Secretary to the HRRB.

b. Staff

The Planning Division shall be the professional staff of the HRRB. The Board shall make every effort to minimize demands on staffing in consideration of budgetary constraints.

5. Meetings

a. General

General meetings of the HRRB shall be held at least quarterly. Special meetings may be called by the Chair of the HRRB, or in writing by a majority of the members of the Board. Staff shall provide 24-hours written notice to each Board member prior to a special meeting.

I. Impact Fee Review Committee

1. Establishment

There is hereby created an Impact Fee Review Committee (IFRC).

2. Powers and Duties

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

a. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:

- 1) the implementation of Article 13, IMPACT FEES;
- 2) actual levels of service for the impact fees exacted in Article 13, Impact Fees;
- 3) the collection, encumbrance, and expenditure of all impact fees collected pursuant to Article 13, Impact Fees;
- 4) the validity and assumptions in the technical memoranda used to support the impact fee schedules in Article 13, Impact Fees; and
- 5) any recommended amendment to Article 13, Impact Fees.

b. review amendments to Article 13, Impact Fees prior to their consideration by the BCC.

c. perform such other duties as the BCC deems appropriate.

3. Board Membership

a. Qualifications

The IFRC shall be composed of seven members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within

PBC, three representatives from the business community, and one member selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC three representatives from the business community, and one member selected at large. The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

4. Officers

a. Secretary

The Impact Fee Coordinator shall serve as Secretary of the IFRC.

5. Meetings

a. General or Special Meetings

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

6. Term Limits

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]**

J. Planning Commission

1. Establishment

There is hereby established a Planning Commission (PLC). **[Ord. 2008-003]**

2. Powers and Duties

The PLC shall have the following powers and duties under the provisions of this Code: **[Ord. 2008-003]**

- a. to serve as the Local Planning Agency (LPA) per F.S.§163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
- b. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
- c. 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;
- d. to make additional or amended rules of procedure not inconsistent with this Section to govern the PLC's proceedings; **[Ord. 2008-003]**
- e. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
- f. to submit an Annual Report to the BCC summarizing its annual activities; and
- g. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Article 12, Traffic Performance Standards.

3. Board Membership

a. BCC Appointed Members

The PLC shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC. **[Ord. 2008-003]**

1) Qualifications

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

2) Appointment

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

3) Terms of Office

Members of the PLC shall hold office until the first Tuesday after the first Monday in June 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. 2008-003] [Ord. 2014-001]**

c. Vacancy

When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.

4. Officers

a. Staff

The County Engineer's office shall be the professional staff of the TPSAB.

5. Meetings

a. General or Special Meetings

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

L. Zoning Commission

1. Establishment

There is hereby established a Zoning Commission (ZC)

2. Powers and Duties

The ZC shall have the following powers and duties under the provisions of this Code.

- a. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; **[Ord. 2009-040]**
- b. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.1.b, Zoning Commission; **[Ord. 2009-040]**
- c. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications. **[Ord. 2006-036]**
- d. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;
- e. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
- f. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
- g. to consider and render a final decision on appeals of Green Architecture application; **[Ord. 2009-040]** **[Ord. 2011-016]**
- h. to hear, consider and decide appeals from decisions of the DRO on applications for Type I Waivers, except URAO. **[Ord. 2011-016]** **[Ord. 2012-027]**

3. Commission Membership

a. BCC Appointed Members

The ZC shall be composed of nine members, to be appointed by the BCC. Each member of the BCC shall appoint one member to the ZC. The remaining two members shall be appointed by a majority vote of the BCC. **[Ord. 2009-040]**

1) Qualifications

- a) Consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, interior design, land planning, natural resource management, real estate, and related fields. **[Ord. 2009-040]**
- b) The two members appointed by a majority vote of the BCC shall be architects registered in the State of Florida and shall be nominated by the PBC Chapter of the American Institute of Architects. **[Ord. 2009-040]**

2) Terms of Office

Members of the ZC 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. 2009-040]** **[Ord. 2014-001]**

4. Officers; Quorum; and Voting

a. Chair and Vice Chair

No member shall serve as Chair for more than two consecutive terms.

b. Quorums and Voting

A simple majority of a quorum shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the BCC. A simple majority shall be necessary for the ZC to make a final decision approving an application for a

development permit. In the event the ZC fails to make a final decision due to a tie vote, the petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed.

5. Meetings

a. General

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