

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	Date October 8, 2019	[] Consent [] Ordinance	[X] Regular [] Public Hearing
Department:	Facilities Development & C	Derations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida repealing and replacing Resolution No. 2013-1421; providing for the Palm Beach County Property Review Committee (PRC); providing for membership; providing for meetings and organization; providing for removal; providing for duties and functions; providing for board action advisory only; providing for assistance to the committee; providing for severability; providing for uniform policies and procedures; and providing for an effective date.

Summary: The PRC is an Advisory Board that is charged with reviewing, evaluating and advising the Board regarding real estate transactions involving the purchase, sale or exchange of real property upon certain triggers being met or value thresholds exceeded. The PRC was created by Resolution No. 2010-0292, which was repealed and replaced by Resolution No. 2013-1421. The PRC has not met to review a transaction in 3 years, and currently does not have enough members to establish a quorum. The last meeting was in June of 2016. This repealed and replaced resolution reduces the number of members of the PRC from 5 to 3 which will make it easier to recruit individuals willing to serve. The qualifications of the members of the PRC are as follows: (i) one (1) representative from the Palm Beach County Property Appraiser's Office; (ii) one (1) representative licensed as a real estate broker with an office in Palm Beach County and expertise in Palm Beach County commercial real estate [and (iii) one (1) representative with expertise in land planning, eminent domain and/or real estate law who is a licensed attorney with offices in Palm Beach County. (**Property & Real Estate Management**) <u>Countywide</u> (HJF)

Background and Policy Issues: The background is provided in the companion agenda item for amendment of the PREM Ordinance.

Attachments:

- 1. Proposed Resolution
- 2. Resolution No. 2013-1421

Recommended By://	H Anney W. LF	9/26/19	
	Department Director	Date	
Approved By:	/ - 1-	10-4-19	
	County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs External Revenues					
Program Income (County)					
In-Kind Match (County					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Bu	dget:	Yes	No		
Does this item include the use of	f federal func	ls? Yes	No		
Budget Account No: Fund	 Progr	Dept	Uni	t	Object

B. Recommended Sources of Funds/Summary of Fiscal Impact: No fiscal impact.

Fixed Assets Number _N/A C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

9130/19 4130

9 Contract Development and

B. Legal Sufficiency: Assistant County Attorney

C. Other Department Review:

Department Director

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

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ATTACHMENT 1 Proposed Resolution 4 pages

RESOLUTION NO.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION R-2013-1421; PROVIDING FOR THE PALM BEACH COUNTY PROPERTY REVIEW COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR REMOVAL; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR BOARD ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR UNIFORM POLICIES AND PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County adopted Ordinance No. 2009-052 on December 15, 2009, which ordinance, among other things, required the Board to create by resolution a committee to be named the "Property Review Committee" to review, evaluate and advise the Board regarding real estate transactions involving the purchase (including eminent domain), sale or exchange of fee simple title to real property if certain triggers or thresholds are met; and

WHEREAS, the Board established the Property Review Committee on February 23, 2010, pursuant to Resolution R-2010-0292; and

WHEREAS, Resolution R-2010-0292 was repealed and replaced by Resolution R-2013-1421 in order to be in compliance with the Board of County Commissioners' uniform policies and procedures on advisory boards as provided for in Resolution R-2013-0193; and

WHEREAS, there is a need to reduce the number of members of the Property Review Committee in order to find sufficient members willing to serve on the Committee; and

WHEREAS, repealing and replacing Resolution R-2013-1421, pertaining to the Property Review Committee will simplify future reference.

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

Section 1. <u>Repeal and replacement of Prior Resolution</u>. Resolution R-2013-1421 is hereby repealed and replaced in its entirety.

Section 2. <u>Creation</u>. There is hereby established a committee to be known as the Palm Beach County Property Review Committee.

Section 3. Membership.

- a. The Property Review Committee shall consist of three (3) members. Appointments shall be based upon nominations of individuals with the following qualifications:
 - 1. One (1) representative from the Palm Beach County Property Appraiser's Office;
 - One (1) representative licensed as a real estate broker with an office in Palm Beach County and expertise in Palm Beach County commercial real estate.
 - One (1) representative with expertise in land planning, eminent domain and/or real estate law who is a licensed attorney with offices in Palm Beach County.
- 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 three (3) member categories identified in 3.a. that cannot be filled by that group, that vacancy may be filled by a county resident having experience in real estate valuation or eminent domain. Vacancies occurring during a term shall be filled for the unexpired portion of the term, and shall not count toward the member's term limits.
- c. Members shall serve for staggered terms of three (3) years, with a limit of three (3) consecutive terms. Terms shall begin on October 1st and end on September 30th. Current members' terms shall expire on September 30th of the year in which their term expires. The property appraiser representatives appointed as members shall have discretion to delegate authority to other staff members of such property appraiser's office to represent such office on the Property Review Committee as such representatives deems appropriate.
- d. No member may serve on more than three (3) boards at any one time, except that no member may serve on any other board if doing so would violate Article II, Section 5(a) of the Florida Constitution, which prohibits dual-office holding.

Section 4. <u>Meetings and Organization</u>. 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. A majority of members of the Committee shall constitute a quorum for the transaction of business and the concurrence of a majority of the members present and voting shall be required to take any official action. All meetings of the Committee and any of its sub-committees 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. <u>Removal</u>. All members serve at the pleasure of the Board of County Commissioners and may be removed without cause upon majority vote by the Board of County Commissioners. 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. <u>Duties and Functions</u>. The Committee shall have the following duties and functions:

a. To review, evaluate and advise the Board of County Commissioners regarding real estate transactions required to be reviewed by the Property Review Committee pursuant to Palm Beach County Ordinance No. 2009-052, as may be amended, or which may otherwise be presented to the Property Review Committee by the County.

Section 7. <u>Committee Action Advisory Only</u>. The actions, decisions, and recommendations of the Property Review Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

Section 8. <u>Assistance to the Committee</u>. The Property Review 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 duties and function. County government will provide legal, administrative and consultant support and facilities as needed which is hereby declared to be a County purpose. Staff from the Property and Real Estate Management Division of the Facilities Development and Operations Department shall provide administrative support to the Committee. The County Attorney's office shall act as legal counsel to the Property Review Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Committee.

Section 9. <u>Uniform Policies and Procedures of Advisory Boards</u>. The Property Review Committee shall be subject to the uniform policies and procedures established by the Board of County Commissioners for Advisory Boards as currently set forth in Resolution No. 2013-0193, as may be amended by action of the Board of County Commissioners.

Section 10. <u>Severability.</u> 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. <u>Future Review</u>. The Board shall review the effectiveness of the Property Review Committee on or about February 23, 2025 to determine whether a public need exists for the continuation of such Committee.

Section 12. <u>Effective Date</u>. This Resolution shall take effect immediately upon its adoption.

	The	foregoing	Resolution	n was	offered	by	Commissioner
				who moved	its adoption.	The motion	n was seconded
by Commissioner and upon being put t			t to a vote, was				
as foll	ows:						

	ABSENT	AYE	NAY
Comm.Mack Bernard, Mayor			
Comm. Dave Kerner, Vice Mayo		<u></u>	
Comm. Hal R. Valeche			
Comm. Gregg K. Weiss			
Comm. Robert S. Weinroth			
Comm. Mary Lou Berger			
Comm. Melissa McKinlay			

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

_____, 2019.

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

SHARON R. BOCK, CLERK & COMPTROLLER

By: ____

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Assistant County Attorney

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ATTACHMENT 2

RESOLUTION NO. R-2013-1421

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION R2010-0292; PROVIDING FOR THE PALM BEACH COUNTY PROPERTY REVIEW COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR REMOVAL; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR BOARD ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE TO THE COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR UNIFORM POLICIES AND PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County adopted Ordinance No. 2009-052 on December 15, 2009, which ordinance, among other things, requires the Board to create by resolution a committee to be named the "Property Review Committee" to review, evaluate and advise the Board regarding real estate transactions involving the purchase (including eminent domain), sale or exchange of fee simple title to real property if certain triggers or thresholds are met; and

WHEREAS, the Board established the Property Review Committee on February 23, 2010, pursuant to Resolution R-2010-0292; and

WHEREAS, there is a need to amend the resolution pertaining to the Property Review Committee to bring the resolution into compliance with the Board of County Commissioners' uniform policies and procedures on advisory boards as provided for in Resolution R-2013-0193; and

WHEREAS, repealing and replacing Resolution R-2010-0292, pertaining to the Property Review Committee will simplify future reference.

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

Section 1. <u>Repeal and replacement of Prior Resolution</u>. Resolution R2010-0292 is hereby repealed and replaced in its entirety.

Section 2. <u>Creation</u>. There is hereby established a committee to be known as the Palm Beach County Property Review Committee.

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Section 3. Membership.

- a. The Property Review Committee shall consist of five (5) members. Appointments shall be based upon nominations from the following:
 - One (1) representative from the Palm Beach County Property Appraiser's Office;
 - One (1) representative from the Broward County Property Appraiser's Office, the Martin County Property Appraiser's Office or an MAI certified appraiser with offices in Palm Beach County and expertise in the appraisal of Palm Beach County real estate.
 - One (1) representative licensed as a real estate broker with an office in Palm Beach County and expertise in Palm Beach County commercial real estate.
 - One (1) representative with expertise in land planning employed by a governmental agency with an office in Palm Beach County or recommended by the Palm Beach County Planning Congress;
 - 5. One (1) representative with expertise in eminent domain employed as an attorney by a governmental agency with offices in Palm Beach County or in private practice with expertise in eminent domain and an office in Palm Beach County.
- 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 five (5) member categories identified in 3.a. that cannot be filled by that group, that vacancy may be filled by a county resident having experience in real estate valuation or eminent domain. Vacancies occurring during a term shall be filled for the unexpired portion

of the term, and shall not count toward the member's term limits.

- c. Members shall serve for staggered terms of three (3) years, with a limit of three (3) consecutive terms. Terms shall begin on October 1st and end on September 30th. Current members' terms shall expire on September 30th of the year in which their term expires. The property appraiser representatives appointed as members shall have discretion to delegate authority to other staff members of such property appraiser's office to represent such office on the Property Review Committee as such representatives deems appropriate.
- d. No member may serve on more than three (3) boards at any one time, except that no member may serve on any other board if doing so would violate Article II, Section 5(a) of the Florida Constitution, which prohibits dual-office holding.

Section 4. <u>Meetings and Organization</u>. 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. A majority of members of the Committee shall constitute a quorum for the transaction of business and the concurrence of a majority of the 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. <u>Removal</u>. All members serve at the pleasure of the Board of County Commissioners and may be removed without cause upon majority vote by the Board of County Commissioners. 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. <u>Duties and Functions</u>. The Committee shall have the following duties and functions:

a. To review, evaluate and advise the Board of County Commissioners regarding real estate transactions required to be reviewed by the Property Review Committee pursuant to Palm Beach County Ordinance No. 2009-052, as may be amended, or which may otherwise be presented to the Property Review Committee by the County.

Section 7. <u>Committee Action Advisory Only</u>. The actions, decisions, and recommendations of the Property Review Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

Section 8. <u>Assistance to the Committee</u>. The Property Review 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 duties and function. County government will provide legal, administrative and consultant support and facilities as needed which is hereby declared to be a County purpose. Staff from the Property and Real Estate Management Division of the Facilities Development and Operations Department shall provide administrative support to the Committee. The County Attorney's office shall act as legal counsel to the Property Review Committee at all its meetings and shall provide such legal advice and assistance as may be requested by the Committee.

Section 9. <u>Uniform Policies and Procedures of Advisory Boards</u>. The Property Review Committee shall be subject to the uniform policies and procedures established by the Board of County Commissioners for Advisory Boards as currently set forth in Resolution No. 2013-0193, as may be amended by action of the Board of County Commissioners.

Section 10. <u>Severability</u>. 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. <u>Future Review</u>. The Board shall review the effectiveness of the Property Review Committee on or about February 23, 2015 to determine whether a public need exists for the continuation of such Committee.

Section 12. <u>Effective Date</u>. This Resolution shall take effect immediately upon its adoption.

	The	foregoing	Resolution	was	offered	by	Commissioner
	Tay	lor		who	moved its	adopti	ion. The motion
was seconded by Commissioner			Bu	dick	_	and	
11000	hai						

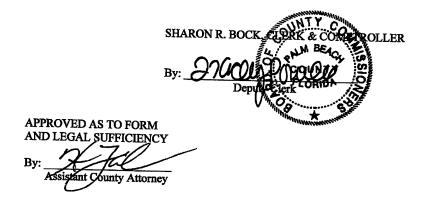
upon being put to a vote, was as follows:

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

The Mayor thereupon declared the Resolution duly passed and adopted this 22nd

day of <u>October</u>, 2013.

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



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