

4E-1

Agenda Item #:

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: Date October 22, 2019 [ ] Consent [ ] Regular  
[ ] Ordinance [X] Public Hearing

Submitted By: Facilities Development & Operations

For: Engineering and Public Works and  
Housing and Economic Sustainability

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing and replacing Chapter 22, Article VI of the Palm Beach County Code (Ordinance No. 2009-052 The Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance); providing for a title; providing for definitions; providing for determination of value; providing for standards and procedures for the sale or lease of real property; providing for delegation of authority; providing for supermajority vote; providing for the property review committee; providing for repeal of laws in conflict; providing for severability; providing captions; providing for inclusion in the code of laws and ordinances; and providing an effective date.

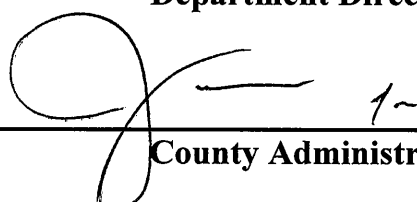
**Summary:** The Palm Beach County Acquisition, Disposition and Leasing Ordinance (commonly referred to as the "PREM Ordinance") was amended in 2009 to implement recommendations of the Palm Beach County Grand Jury, including requiring a supermajority vote to approve all purchases, sales and exchanges and establishing a Property Review Committee ("PRC") to review real estate transactions which: i) are based upon appraisals utilizing hypothetical conditions, extraordinary assumptions, or assume a change in land use, comprehensive plan amendment or concurrency other than currently exists; ii) the price varies from the appraisal value by more than 10%; or iii) are an exchange of real properties in which the value of the property to be conveyed or received by the County exceeds \$250,000. Transactions for less than \$250,000 are exempt from PRC review. At the request of Engineering and the County Attorney's Office, the 10% valuation threshold is being increased to 15% for acquisitions of right-of-way generally, and acquisitions which involve eminent domain and/or inverse condemnation litigation will be exempt from PRC review. At the request of Housing and Economic Sustainability, this repealed and replaced PREM Ordinance allows for the sale of workforce housing units in accordance with the Workforce Housing Program to be sold directly to a qualified buyer without a competitive process, without an additional appraisal beyond that obtained by the County in connection with acquisition of the unit, and without review by the PRC. The sale of workforce housing units acquired by the County is governed by the Workforce Housing Financial Assistance Strategy adopted by the Board and requires flexibility in the pricing and sales process utilized to transfer the units to qualified buyers. Resolution R2013-1421 established the PRC with five (5) members with a mix of qualifications and three (3) year terms. The PRC has not met to review a qualifying real estate transaction in 3 years, and currently does not have

Continued on page 3

Attachments:

- 1. Ordinance Amending Palm Beach County Code
- 2. Redlined Ordinance showing changes

Recommended By:  10-9-19  
Department Director Date

Approved By:  10-18-19  
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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Does this item include the use of federal funds? Yes \_\_\_\_\_ No  X

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

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

No fiscal impact.

Fixed Assets Number  N/A

C. Departmental Fiscal Review:  [Signature]

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

[Signature]  10/11/19  
 OFMB KP 10/11  
 10/11

[Signature]   
 Contract Development and Control  
 10/17/19 TW

**B. Legal Sufficiency:**

[Signature]  10/18/19  
 Assistant County Attorney

**C. Other Department Review:**

[Signature]   
 David Ricks, Director Engineering & Public Works

[Signature]   
 Jonathan B. Brown, Director  
 Housing & Economic Sustainability

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

**Summary Continued:** enough members to achieve a quorum.

This repealed and replaced PREM Ordinance also requires disclosure of appraised values in the summary section of the agenda item presented for Board approval. Except for the changes noted above, this repealed and replaced PREM Ordinance contains the same provision as the existing PREM Ordinance. **(Property & Real Estate Management) Countywide (HJF)**

**Background and Policy Issues:** In response to recommendations of the Palm Beach County Grand Jury, the Property Review Committee was established in February of 2010 by Resolution No R2010-0292 which was repealed and replaced by Resolution R2013-1421.

The purpose of the PRC was to review, evaluate and advise the Board on transactions which met certain triggers and thresholds established in the PREM Ordinance. The PREM Ordinance requires PRC review of transactions: i) which utilize appraisals based upon hypothetical conditions or extraordinary assumptions; ii) where the price varies from appraisals by more than 10%; or iii) which are an exchange of property where the value of the property to be conveyed or received by the County exceeds \$250,000. Transactions for less than \$250,000 are exempt from PRC review.

This repealed and replaced PREM Ordinance provides that where appraisals are required, the summary section of the agenda item approving the transaction shall clearly disclose the appraised value(s).

Where the County has a need for property in a set location and failure to reach an agreement on price would result in the County being forced to condemn the property and pay attorneys fees and costs, it is often necessary to agree to pay more than appraised value. This is the case with most right-of-way acquisitions. Increasing the amount by which the purchase price can exceed the appraised value without PRC review of right-of-way transactions from 10% to 15% will facilitate timely completion of right-of-way transactions. The PRC meetings are public meetings. When right-of-way transactions involve eminent domain and/or inverse condemnation litigation, disclosure of negotiation strategy and issues with appraisal values can seriously impair the County's position in litigation. For these reasons, the repealed and replaced Ordinance exempts right-of-way acquisitions involved in eminent domain and/or inverse condemnation litigation from PRC review.

There have been no transactions submitted to the PRC in the last 3 years. Because of term limits, and difficulty in finding qualified individuals willing to serve, the PRC does not currently have a quorum. Staff is submitting a companion agenda item for approval of a Resolution reducing the number of committee members from 5 to 3. The qualifications of each representative are: (i) one representative from the Palm Beach County Property Appraiser's Office; (ii) one 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 representative with expertise in land planning, eminent domain and/or real estate law who is a licensed attorney with offices in Palm Beach County.

The County's Workforce Housing Program was initially established to provide incentives for developers to develop workforce housing units and to sell those units directly to qualified buyers. Recently the County has purchased unsold developer constructed workforce housing units in an effort to prevent those units from being released from the workforce housing restrictions. The County obtained appraisals supporting the acquisition price. Now the County is in the process of selling those units to buyers who meet the income qualifications of the Program. The buyer will be required to obtain an appraisal in connection with obtaining a loan. The pricing for the units may need to be reduced below appraised value in line with the income qualifications of the buyer, but must remain within the parameters established by the Workforce Housing Financial Assistance Strategy approved by the Board. In addition, the Program requires the ability to directly contract with a qualified buyer without a competitive procurement process. This repealed and replaced PREM Ordinance exempts the sale of workforce housing units by the County to a qualified buyer pursuant to the Workforce Housing Program from the requirement to obtain an additional appraisal; the requirement to utilize a competitive bid or RFP process; and the requirement of PRC review.

**ATTACHMENT 1**  
**Ordinance Amending Palm Beach County Code**  
**8 pages**

1 **ORDINANCE NO. \_\_\_\_\_**

2  
3 **AN ORDINANCE OF THE BOARD OF COUNTY**  
4 **COMMISSIONERS OF PALM BEACH COUNTY,**  
5 **FLORIDA, REPEALING AND REPLACING**  
6 **CHAPTER 22, ARTICLE VI OF THE PALM BEACH**  
7 **COUNTY CODE (ORDINANCE NO. 2009-052 THE**  
8 **PALM BEACH COUNTY REAL PROPERTY**  
9 **ACQUISITION, DISPOSITION AND LEASING**  
10 **ORDINANCE); PROVIDING FOR A TITLE,**  
11 **PROVIDING FOR DEFINITIONS; PROVIDING FOR**  
12 **DETERMINATION OF VALUE; PROVIDING FOR**  
13 **STANDARDS AND PROCEDURES FOR SALE OR**  
14 **LEASE OF REAL PROPERTY; PROVIDING FOR**  
15 **DELEGATION OF AUTHORITY; PROVIDING FOR**  
16 **SUPERMAJORITY VOTE; PROVIDING FOR THE**  
17 **PROPERTY REVIEW COMMITTEE; PROVIDING**  
18 **FOR REPEAL OF LAWS IN CONFLICT;**  
19 **PROVIDING FOR SEVERABILITY; PROVIDING**  
20 **CAPTIONS; PROVIDING FOR INCLUSION IN THE**  
21 **CODE OF LAWS AND ORDINANCES; AND**  
22 **PROVIDING AN EFFECTIVE DATE.**

23  
24 **WHEREAS,** Chapter 125, Florida Statutes, authorizes counties to adopt  
25 ordinances consistent with general and special law to provide for the health, safety  
26 and welfare of its citizens; and

27 **WHEREAS,** the Board of County Commissioners previously enacted the  
28 "Palm Beach County Real Property Acquisition, Disposition and Leasing  
29 Ordinance" which is codified at Chapter 22, Article VI of the Palm Beach County  
30 Code; and

31 **WHEREAS,** the Board of County Commissioners desires to repeal and  
32 replace such Ordinance to change definitions; capitalize terms; increase the  
33 thresholds for PRC review of right-of-way acquisitions and exempt right-of-way  
34 acquisitions involving eminent domain and/or inverse condemnation litigation from  
35 PRC review; and to exempt the sale of workforce housing units from certain  
36 requirements hereof.

37 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**  
38 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,**  
39 that:

40 **Article 1. REPEAL and REPLACEMENT** Chapter 22, Article VI of the Palm  
41 Beach County Code, is hereby repealed in its entirety and replaced with the  
42 following:

43 **Sec. 22-101. Title.**

44  
45 This article shall be known and may be cited as the "Palm Beach County  
46 Real Property Acquisition, Disposition and Leasing Ordinance."

47 **Section 22-102. Definitions.**

48 *Board* means the Board of County Commissioners of the County.

49 *County* means Palm Beach County, Florida.

50 *Department* means the County Facilities Development and Operations Department.

51 *Division* means the Property and Real Estate Management Division of the County  
52 Facilities Development and Operations Department.

53 *Extraordinary Assumption* means an assumption, directly related to a specific  
54 appraisal, which, if found to be false, could alter the appraiser's opinions or conclusions.  
55 Extraordinary Assumptions presume as fact otherwise uncertain information about  
56 physical, legal, or economic characteristics of the subject property or about conditions  
57 external to the property such as market conditions or trends or about the integrity of data  
58 used in an appraisal analysis.

59 *Hypothetical Condition* means a condition not presently existing but supposed for the  
60 purpose of analysis in an appraisal. Hypothetical Conditions assume conditions contrary  
61 to known facts about physical, legal, or economic characteristics of the subject property  
62 or about conditions external to the property, such as market conditions or trends or about  
63 the integrity of data used in an appraisal analysis.

64 *Invitation to Bid* means a solicitation for offers for the sale or lease of County-owned  
65 real property in which price is the sole basis for evaluation of responses.

66 *Person* includes, but is not limited to, individuals, associations, partnerships,  
67 corporations, limited liability companies, joint ventures and all other groups and  
68 combinations.

69 *Request for Proposals* means a solicitation for proposals for the sale or lease of  
70 County-owned real property in which evaluation of responses is based primarily upon  
71 previously established criteria that include factors other than price.

72 *Response* means a responsive bid or proposal submitted by a responsible person in  
73 response to a solicitation.

74 *Right-of-Way* means real property that will be used for development of a public  
75 road or supporting infrastructure.

76 *Solicitation* means an Invitation to Bid or Request for Proposals.

77 *Workforce Housing Program* means the Workforce Housing Program  
78 established by Ordinance No. 2006-055, as amended and as implemented in  
79 accordance with the Workforce Housing Program Financial Assistance Strategy  
80 approved by the Board on May 15, 2018.

81 **Section 22-103. Determination of value.**

82 (a) If the proposed purchase price of real property to be acquired through purchase  
83 by the County or the value of real property, as determined by the County property  
84 appraiser, to be disposed of through sale by the County is:

85 (1) Twenty five thousand dollars (\$25,000) or less, no appraisal shall be  
86 required.

87 (2) Greater than twenty five thousand dollars (\$25,000) but less than five  
88 hundred thousand dollars (\$500,000), at least one (1) appraisal shall be  
89 obtained prior to approval of the agreement for purchase or sale by the Board.

90 (3) Five hundred thousand dollars (\$500,000) or more, at least two (2)  
91 appraisals shall be obtained prior to approval of the agreement for purchase or  
92 sale by the Board.

93 (b) The County may, at its option, utilize federal procedures for obtaining  
94 appraisals where federal requirements for a specific transaction differ than those set  
95 forth in this section.

96 (c) Acquisitions of real property from another governmental entity are exempt  
97 from the requirements of this section when the assessed value of the real property,  
98 as determined by the County property appraiser, is equal to or greater than the  
99 purchase price of the real property;

100 (d) Acquisitions of Right-of-Way are exempt from the requirements of (a), (b) and  
101 (c) of this section.

102 (e) The sale of workforce housing units to a qualified buyer pursuant to the  
103 Workforce Housing Program are exempt from the requirements of this section.

104 (f) Appraisal values and use of Extraordinary Assumptions or Hypothetical  
105 Conditions shall be clearly disclosed in the summary section of the agenda item  
106 presented to the Board for approval of a transaction.

107 (g) The Board shall not be required to comply with the requirements of F.S.  
108 §125.355, as may be amended, unless the Board seeks to utilize the exemption from  
109 F.S. §119.07, as may be amended, for information relating to the purchase of real  
110 property or except as otherwise required by law.

111 **Section 22-104. Standards and procedures for the sale or lease of real**  
112 **property.**

113 (a) Any interested Person may request information regarding the procedures for  
114 the acquisition or lease of County-owned real property by written request to the  
115 division.

116 (b) Except as otherwise provided in this section, the Division shall utilize one (1) of  
117 the following types of negotiation procedures in the selection of a Person to whom  
118 County owned real property may be sold or leased: Invitation for Bid or Request for  
119 Proposals. The Solicitation issued by the Division shall provide for the competition



120 and qualification standards upon which the sale or lease of County owned real  
121 property will be determined. Public notice of the County's intent to consider the  
122 sale or lease of the County owned real property and the availability of the  
123 competition and qualification standards shall be provided a reasonable period of  
124 time prior to the date set for submission of responses to the Solicitation. The  
125 Division shall notify all Persons who have submitted a response by United States  
126 regular mail, email or hand-delivery of the County's intention to consider final  
127 action regarding the sale or lease of the County owned real property at a regular  
128 meeting of the Board. The notice shall state the time and manner for making  
129 objections and shall be mailed or delivered to the address provided to the Division  
130 or transmitted by email to the email address provided to the Division.

131 (c) In no event shall the sale or lease of County-owned real property violate the County  
132 comprehensive plan or zoning regulations of the County.

133 (d) Notwithstanding the provisions of section 22-104(b) above, the County may, in its  
134 discretion:

135 (1) Extend the term of or otherwise modify the terms of an existing lease upon a  
136 finding by the Board that such extension or modification is in the best interests of  
137 the County.

138 (2) Negotiate the sale or lease of real property with a particular person based upon  
139 a finding by the Board that the Person is the only Person capable of reasonably  
140 utilizing the real property for the use which the Board has determined to be the  
141 highest and best use of the real property. Circumstances justifying such action  
142 may include, but shall not be limited to, the location or restrictions on the use of  
143 the real property.

144 (3) Negotiate a lease of real property for a term not to exceed ninety (90)  
145 consecutive days.

146 (e) The provisions of this section shall not apply to any sale or lease of real property  
147 which is exempt from the competitive bidding requirements of F.S. § 125.35, as may be  
148 amended; to exchanges of real property pursuant to F.S. § 125.37, as may be amended; to  
149 any sale or lease of real property pursuant to F.S. § 125.38, as may be amended; or to the  
150 sale of workforce housing units to a qualified buyer pursuant to the Workforce Housing  
151 Program.

152 **Section 22-105. Delegation of authority.**

153 (a) The County Administrator or designee shall have the authority to execute, on  
154 behalf of the Board, license agreements and limited term easements using standard  
155 form documents approved by the Board and such other standard form documents  
156 as may be approved by the Board from time to time.

157 **Section 22-106. Supermajority vote.**

158 All purchases (including eminent domain), sales and exchanges of fee simple title to  
159 real property (including conveyances for no or nominal consideration) must be approved  
160 by a supermajority vote (five (5) commissioners) of the Board. The foregoing  
161 supermajority vote requirement will not apply to internal interdepartmental transactions  
162 or transactions that do not require separate Board action due to a delegation of authority  
163 by the Board to County staff prior to January 1, 2010. On or after January, 2010,  
164 delegation of authority to staff by the Board relating to purchases, sales and exchanges  
165 (including eminent domain and conveyances for no or nominal consideration) must be  
166 approved by a supermajority vote of the Board.

167 **Section 22-107. Property Review Committee.**

168 (a) The Board shall create by resolution, within sixty (60) days of the effective date of  
169 this ordinance a committee to be named the property review committee to review,  
170 evaluate and advise the Board regarding real estate transactions involving the purchase  
171 sale or exchange of fee simple title to real property, which transactions:

172 (1) Are based on appraisal(s) utilizing hypothetical conditions or extraordinary  
173 assumptions.

174 (2) Are based upon appraisal(s) assuming a change of land use, a comprehensive  
175 plan amendment or concurrency other than that which currently exists.

176 (3) Involve a purchase in which the purchase price of the real property is greater  
177 than one hundred ten (110) percent of the fair market value as determined by the  
178 appraisal or the average of the appraisals obtained by the County. Acquisitions of  
179 Right-of-Way require review where the purchase price is greater than one hundred  
180 fifteen (115) percent of the fair market value.

181 (4) Involve a sale in which the sale price of the real property is lower than ninety  
182 (90) percent of the fair market value as determined by the appraisal or the average of  
183 the appraisals obtained by the County.

184 (5) Involve an exchange of real property in which the purchase or sale price of the  
185 real property to be conveyed to or by the County, plus any additional consideration to  
186 be paid to or by the county in the exchange transaction exceeds two hundred fifty  
187 thousand dollars (\$250,000.00).

188 (b) The Board and the County Administrator shall be entitled to direct County staff to  
189 present to the property review committee any real property transaction not otherwise  
190 required by this ordinance to be presented to the property review committee.

191 (c) The provisions of this section shall not apply to transactions for less than two  
192 hundred fifty thousand dollars (\$250,000.00); acquisitions of Right-of-Way which  
193 involve eminent domain and/or inverse condemnation litigation; transactions subject to  
194 Federal Aviation Administration review or audit with the exception of off-airport  
195 transactions for a non airport purpose; transactions pursuant to chapter 11, article XV, of  
196 this Code, the "conservation lands protection ordinance"; any intergovernmental  
197 conveyance of real property pursuant to Florida Statutes, § 125.38, as may be amended;  
198 or the sale of workforce housing units to a qualified buyer in accordance with the  
199 Workforce Housing Program.

200 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

201 All local laws and ordinances in conflict with any provision of this  
202 Ordinance are hereby repealed to the extent of any such conflict.

203 **Article 3. SEVERABILITY:**

204 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
205 Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or  
206 void, such holding shall not affect the remainder of this Ordinance.

207 **Article 4. CAPTIONS:**

208 The captions, sections headings, and section designations used in this  
209 Ordinance are for convenience only and shall have no effect on the interpretation of  
210 the provisions of this Ordinance.

211 **Article 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

212 The provisions of this Ordinance shall become and be made a part of the  
213 Code of Laws and Ordinances of Palm Beach County, Florida. The articles and  
214 sections of this Ordinance may be renumbered or relettered to accomplish such, and  
215 the word "Ordinance" may be changed to "Section", "Article", or other appropriate  
216 word.

217 **Article 6. EFFECTIVE DATE:**

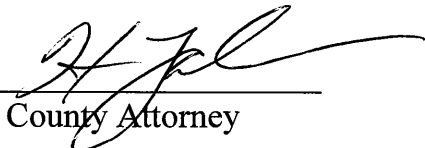
218 The provision of this Ordinance shall become effective upon filing  
219 with the Department of State.

220 APPROVED and ADOPTED by the Board of County Commissioners of  
221 Palm Beach County, Florida, on this the \_\_\_\_ day of October, 2019.

222 SHARON R. BOCK PALM BEACH COUNTY, FLORIDA, BY ITS  
223 CLERK & COMPTROLLER BOARD OF COUNTY COMMISSIONERS

224  
225 By: \_\_\_\_\_ By: \_\_\_\_\_  
226 Deputy Clerk Mack Bernard, Mayor

227  
228 APPROVED AS TO FORM  
229 AND LEGAL SUFFICIENCY

230  
231 By:   
232 County Attorney

233  
234 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
235 \_\_\_\_\_,  
236 \_\_\_\_\_, 2019.

ATTACHMENT 2  
Redlined Ordinance showing changes  
13 pages

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING CHAPTER 22, ARTICLE VI OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 2009-052 THE PALM BEACH COUNTY REAL PROPERTY ACQUISITION, DISPOSITION AND LEASING ORDINANCE); PROVIDING FOR A TITLE, PROVIDING FOR DEFINITIONS; PROVIDING FOR DETERMINATION OF VALUE; PROVIDING FOR STANDARDS AND PROCEDURES FOR SALE OR LEASE OF REAL PROPERTY; PROVIDING FOR DELEGATION OF AUTHORITY; PROVIDING FOR SUPERMAJORITY VOTE; PROVIDING FOR THE PROPERTY REVIEW COMMITTEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING CAPTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes counties to adopt ordinances consistent with general and special law to provide for the health, safety and welfare of its citizens: and

WHEREAS, the Board of County Commissioners previously enacted the "Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance" which is codified at Chapter 22, Article VI of the Palm Beach County Code: and

WHEREAS, the Board of County Commissioners desires to repeal and replace such Ordinance to change definitions: capitalize terms: increase the thresholds for PRC review of right-of-way acquisitions and exempt right-of-way

acquisitions involving eminent domain and/or inverse condemnation litigation from PRC review; and to exempt the sale of workforce housing units from certain requirements hereof.

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

**Article 1. REPEAL and REPLACEMENT** Chapter 22, Article VI of the Palm Beach County Code, is hereby repealed in its entirety and replaced with the following:

**Sec. 22-101. Title.**

This article shall be known and may be cited as the "Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance."

(Ord. No. 02-067, §§ 1, 6, 10-22-02)

**Sec. Section 22-102. - Definitions.**

*Board* means the ~~board~~Board of ~~county commissioners~~County Commissioners of the ~~county~~County.

*County* means Palm Beach County, Florida.

*Department* means the ~~county facilities development~~County Facilities Development and ~~operations department~~Operations Department.

*Division* means the ~~property~~Property and ~~real estate management division~~Real Estate Management Division of the ~~county facilities development~~County Facilities Development and ~~operations department~~Operations Department.

*Extraordinary assumption*Assumption means an assumption, directly related to a specific appraisal, which, if found to be false, could alter the appraiser's opinions or conclusions. ~~Extraordinary assumptions~~Assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property or about conditions external to the property such as market conditions or trends or about the integrity of data used in an appraisal analysis.

*Hypothetical condition*Condition means a condition not presently existing but supposed for the purpose of analysis in an appraisal. ~~Hypothetical conditions~~Conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property or about conditions external to the property, such as market conditions or trends or about the integrity of data used in an appraisal analysis.

*Invitation to bid*Bid means a solicitation for offers for the sale or lease of ~~county~~County-owned real property in which price is the sole basis for evaluation of responses.

*Person* includes, but is not limited to, individuals, associations, partnerships, corporations, limited liability companies, joint ventures and all other groups and combinations.



*Request for proposals*Proposals means a solicitation for proposals for the sale or lease of ~~county~~County-owned real property in which evaluation of responses is based primarily upon previously established criteria that include factors other than price.

*Response* means a responsive bid or proposal submitted by a responsible person in response to a solicitation.

*Right-of-Way* means real property that will be used for development of a public road or supporting infrastructure.

*Solicitation* means an ~~invitation~~Invitation to bid~~Bid~~ or ~~request~~Request for proposals.  
Proposals.

(Ord. No. 02-067, §§ 2, 6, 10-22-02; Ord. No. 2009-052, pt. 1, 12-15-09)

*see Workforce Housing Program* means the Workforce Housing Program established by Ordinance No. 2006-055, as amended and as implemented in accordance with the Workforce Housing Program Financial Assistance Strategy approved by the Board on May 15, 2018.

**Section 22-103. - Determination of value.**

(a) — If the proposed purchase price of real property to be acquired through purchase by the ~~county~~County or the value of real property, as determined by the ~~county~~County property appraiser, to be disposed of through sale by the ~~county~~County is:

(1) — Twenty-five thousand dollars (\$25,000.00) or less, no appraisal shall be required.

(2) — ~~Greater than twenty-five thousand dollars (\$25,000.00) but less than five hundred thousand dollars (\$500,000.00), at least one (1) appraisal shall be obtained prior to approval of the agreement for purchase or sale by the ~~board.~~~~  
Board.

(3) — ~~Five hundred thousand dollars (\$500,000.00) or more, at least two (2) appraisals shall be obtained prior to approval of the agreement for purchase or sale by the ~~board.~~~~  
Board.

(b) — ~~The ~~county~~County may, at its option, utilize federal procedures for obtaining appraisals where federal requirements for a specific transaction differ than those set forth in this section.~~

(c) — ~~Acquisitions of real property from another governmental entity are exempt from the requirements of this section when the assessed value of the real property, as determined by the ~~county~~County property appraiser, is equal to or greater than the purchase price of the real property.~~

(d) — ~~Acquisitions of ~~right~~Right-of-wayWay are exempt from the requirements of (a), (b) and (c) of this section.~~

(e) — ~~The ~~board~~sale of workforce housing units to a qualified buyer pursuant to the Workforce Housing Program are exempt from the requirements of this section.~~

(f) Appraisal values and use of Extraordinary Assumptions or Hypothetical Conditions shall be clearly disclosed in the summary section of the agenda item presented to the Board for approval of a transaction.

(g) The Board shall not be required to comply with the requirements of F.S. § 125.355, as may be amended, unless the ~~board~~Board seeks to utilize the exemption from F.S. §-119.07, as may be amended, for information relating to the purchase of real property or except as otherwise required by law.

~~(Ord. No. 02-067, §§ 3, 6, 10-22-02)~~

sec. Section 22-104. - Standards and procedures for the sale or lease of real property.

(a) Any interested ~~person~~Person may request information regarding the procedures for the acquisition or lease of ~~county~~County-owned real property by written request to the division.

(b) —Except as otherwise provided in this section, the ~~division~~Division shall utilize one (1) of the following types of negotiation procedures in the selection of a ~~person~~Person to whom ~~county~~County owned real property may be sold or leased: ~~invitation~~Invitation for ~~bid~~Bid or ~~request~~Request for ~~proposals~~Proposals. The ~~solicitation~~Solicitation issued by the ~~division~~Division shall provide for the competition and qualification standards upon which the sale or lease of ~~county~~County owned real property will be determined. Public notice of the ~~county's~~County's intent to consider

reasonably utilizing the real property for the use which the ~~board~~Board has determined to be the highest and best use of the real property. Circumstances justifying such action may include, but shall not be limited to, the location or restrictions on the use of the real property.

(3) Negotiate a lease of real property for a term not to exceed ninety (90) consecutive days.

(e) The provisions of this section shall not apply to any sale or lease of real property which is exempt from the competitive bidding requirements of F.S. § 125.35, as may be amended; to exchanges of real property pursuant to F.S. § 125.37, as may be amended; ~~or~~ to any sale or lease of real property pursuant to F.S. § 125.38, as may be amended; or to the sale of workforce housing units to a qualified buyer pursuant to the Workforce Housing Program.

~~(Ord. No. 02-067, §§ 4, 6, 10-22-02)~~

~~See~~ **Section 22-105. - Delegation of authority.**

(a) ~~The department director or his or her~~ County Administrator or designee shall have the authority to execute, on behalf of the ~~board~~Board, license agreements and limited term easements using standard form documents approved by the ~~board~~Board and such other standard form documents as may be approved by the ~~board~~Board from time to time.

~~(Ord. No. 02-067, §§ 5, 6, 10-22-02)~~

**See Section 22-106. - Supermajority vote.**

All purchases (including eminent domain), sales and exchanges of fee simple title to real property (including conveyances for no or nominal consideration) must be approved by a supermajority vote (five (5) commissioners) of the ~~board~~Board. The foregoing supermajority vote requirement will not apply to internal interdepartmental transactions or transactions that do not require separate ~~board~~Board action due to a delegation of authority by the ~~board~~Board to ~~county~~County staff prior to January 1, 2010. On or after January, 2010, delegation of authority to staff by the ~~board~~Board relating to purchases, sales and exchanges (including eminent domain and conveyances for no or nominal consideration) must be approved by a supermajority vote of the ~~board~~Board.

(Ord. No. 2009-052, pt. 2, 12-15-09)

**See Section 22-107. - ~~Property review committee.~~ Review Committee.**

(a) The ~~board~~Board shall create by resolution, within sixty (60) days of the effective date of ~~the~~this ordinance ~~from which this section is derived,~~ a committee to be named the property review committee to review, evaluate and advise the ~~board~~Board regarding real estate transactions involving the purchase ~~(including eminent domain),~~ sale or exchange of fee simple title to real property, which transactions:

- (1) Are based on appraisal(s) utilizing hypothetical conditions or extraordinary assumptions.
- (2) Are based upon appraisal(s) assuming a change of land use, a comprehensive plan amendment or concurrency other than that which currently exists.

(3) Involve a purchase in which the purchase price of the real property is greater than one hundred ten (110) percent of the fair market value as determined by the appraisal or the average of the appraisals obtained by the ~~county~~County. Acquisitions of Right-of-Way require review where the purchase price is greater than one hundred fifteen (115) percent of the fair market value.

(4) Involve a sale in which the sale price of the real property is lower than ninety (90) percent of the fair market value as determined by the appraisal or the average of the appraisals obtained by the ~~county~~County.

(5) Involve an exchange of real property in which the purchase or sale price of the real property to be conveyed to or by the ~~county~~County, plus any additional consideration to be paid to or by the county in the exchange transaction exceeds two hundred fifty thousand dollars (\$250,000.00).

(b) The ~~board~~Board and the ~~county administrator~~County Administrator shall be entitled to direct ~~county~~County staff to present to the property review committee any real property transaction not otherwise required by this ordinance to be presented to the property review committee.

(c) The provisions of this section shall not apply to transactions for less than two hundred fifty thousand dollars (\$250,000.00); acquisitions of Right-of-Way which involve eminent domain and/or inverse condemnation litigation; transactions subject to Federal Aviation Administration review or audit with the exception of off-airport transactions for a non airport purpose; transactions pursuant to chapter 11, article XV, of this Code, the "conservation lands protection ordinance", ~~or to~~; any intergovernmental conveyance of real

property pursuant to Florida Statutes, § 125.38, as may be amended: or the sale of workforce housing units to a qualified buyer in accordance with the Workforce Housing Program.

~~(Ord. No. 2009-052, pt. 3, 12-15-09)~~

1 ~~Secs. 22-108—22-115.—Reserved.~~ **Article 2. REPEAL OF LAWS AND**  
2 **ORDINANCES IN CONFLICT:**

3 All local laws and ordinances in conflict with any provision of this Ordinance  
4 are hereby repealed to the extent of any such conflict.

5 **Article 3. SEVERABILITY:**

6 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
7 Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or  
8 void, such holding shall not affect the remainder of this Ordinance.

9 **Article 4. CAPTIONS:**

10 The captions, sections headings, and section designations used in this  
11 Ordinance are for convenience only and shall have no effect on the interpretation of  
12 the provisions of this Ordinance.

13 **Article 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

14 The provisions of this Ordinance shall become and be made a part of the Code  
15 of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of  
16 this Ordinance may be renumbered or relettered to accomplish such, and the word  
17 “Ordinance” may be changed to “Section”, “Article”, or other appropriate word.

18 **Article 6. EFFECTIVE DATE:**

19 The provision of this Ordinance shall become effective upon filing with  
20 the Department of State.

21 APPROVED and ADOPTED by the Board of County Commissioners of Palm  
22 Beach County, Florida, on this the \_\_\_\_\_ day of October, 2019.

23 SHARON R. BOCK PALM BEACH COUNTY, FLORIDA, BY ITS  
24 CLERK & COMPTROLLER BOARD OF COUNTY COMMISSIONERS

25  
26 By: \_\_\_\_\_ By: \_\_\_\_\_  
27 Deputy Clerk Mack Bernard Mayor

28  
29 APPROVED AS TO FORM  
30 AND LEGAL SUFFICIENCY

31  
32 By: \_\_\_\_\_  
33 County Attorney



34  
35  
36  
37

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2019.