

MINUTES
LEGISLATIVE AND CITIZEN REVIEW COMMITTEE MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
August 11, 2009

The Legislative and Citizen Review Committee met on August 11, 2009 at 8:35 a.m. in the Northern Palm Beach County Improvement District Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1. ROLL CALL

The following members of the Committee were present: Board President and Committee Chair Deborah A. Diaz; Board Supervisors Ronald M. Ash, P.E. and Marilyn Lew-Jacobs; Eric Jablin, Steven Parson and Nader Salour.

Committee Members Representative Carl Domino and R. Marshall Jones were unable to attend.

Also present were Executive Director O'Neal Bardin, Jr.; Deputy Directors Tanya W. Quickel and C. Danvers Beatty; Executive Assistant Susan Scheff; General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.; and Director of Operations Kenneth Roundtree and Board Supervisors Matthew J. Boykin and Adrian M. Salee.

2. ESTABLISH A QUORUM

Ms. Diaz announced that a quorum was present and that it was in order to consider any business to come before the Committee.

3. ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Bardin reported that there were no additions or deletions to the Agenda.

4. APPROVAL OF MINUTES – JULY 14, 2009

Prior to the approval of the minutes, Mr. Ash began a discussion with regard to the Revised Board Seat Chart with Proposed Residency Requirements that was contained in the Committee's agenda packet. The focus of the discussion was how to determine which landowner-elected seat would remain the landowner-elected seat and which two would be converted. It was suggested that the Board should have a drawing of Seats 1, 3 and 4 to determine which seat will remain the landowner-elected seat. A recommendation was then agreed upon that this discussion be continued until later in the meeting when that agenda item was scheduled for discussion.

A **motion** was made by Ms. Lew-Jacobs, seconded by Mr. Jablin and unanimously passed approving the July 14, 2009 Committee meeting minutes as presented.

5. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public comment.

6. REGULAR AGENDA

- Reconsider: Revised Board Seat Chart with Proposed Residency Requirements

Mr. Bardin explained that when the Committee's recommendations of the July 14, 2009 meeting were presented to the District's Board of Supervisors for consideration at their July 22, 2009 meeting, Mr. Boykin and Mr. Salee expressed some differing opinions. He noted that both Mr. Boykin and Mr. Salee were in attendance in order to express those opinions to the Committee.

Mr. Bardin stated that it was the opinion of one of the Board Members that renters should not be allowed to run for a Board seat.

Mr. Boykin explained that, in his opinion, renters do not have a vested interest in the District. He stated that while someone renting property may have a vested interest in the work of a municipality, Northern's focus is primarily land use and he does not believe those renting property should be able to run for a Board seat.

Mr. Salee expressed his opinion that there are many qualified potential Board candidates that live outside the District boundaries and he does not believe they should be excluded from running for a Board seat. He suggested that a good compromise might be to allow people who live in areas contiguous to the District to be able to run.

A general discussion followed with regard to whether or not to exclude renters from being able to run and if candidates should be required to live within the District boundaries.

Mr. Edwards then informed the Committee that when the Seat No. 2 qualifying period starts for the General Election in 2010, the current qualifications will likely still be applicable since the new legislation may not have passed by that time.

A **motion** was made by Ms. Lew-Jacobs, seconded by Mr. Jablin and passed on a 4 to 1 vote to recommend that the Board do a random drawing between Seats 1, 3 and 4 to select which seat will remain as the landowner-elected seat. Mr. Ash opposed the motion.

Ms. Lew-Jacobs clarified with Mr. Salee that his residency concern lies only with the landowner-elected seat and not the popularly-elected seat, to which he concurred. It was noted that

the Committee had recommended that the landowner-elected seat be open to a resident of Palm Beach County, so his concern had been addressed by the Committee.

A **motion** was made by Mr. Salour, seconded by Mr. Parson and unanimously passed recommending that the Board approve that the qualification of a candidate for the landowner-elected seat require that they be a resident of Palm Beach County or the owner of property located within the District.

A **motion** was made by Mr. Jablin, seconded by Ms. Lew-Jacobs recommending that the Board approve that the qualification of a candidate for a popularly-elected seat be that they must be a permanent resident, owner of real property and an elector within the District. Mr. Jablin, Ms. Lew-Jacobs and Ms. Diaz voted for the motion and Mr. Parson, Mr. Ash and Mr. Salour opposed the motion. As a result of the tie vote, the motion failed.

There was continued discussion as to the opinions of those opposing the motion with regard to commercial property owners versus homeowners.

It was determined that this item should be brought to the Board for their consideration.

- Review and Discussion: Draft Legislation

Mr. Bardin explained that the draft legislation provided in the Committee package is now moot because the decisions to be made by the Board at their August 26, 2009 meeting will affect how the legislation is to be written.

Mr. Jablin also expressed his concern that current system used for voting for the landowner-elected seat is based on a one acre/one vote election method. He believes that

landowners who pay assessments should have more voting weight than those who do not pay assessments.

Mr. Bardin provided some history on voting for the landowner-elected seat and a general discussion followed with regard to options to change the methodology of voting for a landowner-elected seat.

A **motion** was made by Mr. Jablin, seconded by Ms. Lew-Jacobs and unanimously passed suggesting that the Board consider the possibility of making changes to the methodology of voting for a landowner-elected seat be included with the other legislative changes to be considered by the Board.

District Staff was asked to compile information from previous landowner elections to aid the Board in their consideration of this matter.

Mr. Ash had a prior engagement and left the meeting at 10:00 a.m.

7. MISCELLANEOUS

None.

8. RECEIVE AND FILE

The Proof of Publication was presented for filing.

9. COMMENTS FROM THE COMMITTEE MEMBERS

None.

10. ADJOURN

There being no further business to come before the Legislative and Citizen Review Committee, the meeting was adjourned.