

RESOLUTION NO: 2023-03

A RESOLUTION OF THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY CREATING THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY REDEVELOPMENT ADVISORY COMMITTEE; PROVIDING TERMS AND APPOINTMENT, DUTIES AND GENERAL PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

W I T N E S S E T H:

WHEREAS, the Board of Commissioners of the Delray Beach Community Redevelopment Agency (“CRA Board”) has determined that an advisory committee for the CRA Board should be created to advise the CRA Board regarding implementation of aspects of the Community Redevelopment Plan and encourage community input as needed; and

WHEREAS, in order to accomplish this goal, the CRA Board wishes to establish certain regulations to govern the advisory committee’s membership and duties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. That the Delray Beach Community Redevelopment Agency Redevelopment Advisory Committee (“RAC”) is created as follows:

Article 1. Mission.

1.1. **Mission.** To advise the CRA Board regarding implementation of aspects of the Community Redevelopment Plan and encourage community input as needed.

Article 2. Appointment.

2.1 **RAC Creation.** The RAC is hereby created.

2.2 **RAC Appointment.** The RAC shall consist of five (5) members, who shall be appointed by the CRA Board and shall serve at the pleasure of the CRA Board without compensation. Each member of the CRA Board shall appoint one (1) member of the RAC based on their City of Delray Beach Commission seat number starting with seat one.

2.3. **Property Ownership Requirement.** Appointed members of the RAC shall own property in the Delray Beach Community Redevelopment Agency District ("CRA District") at the time of appointment.

(1) If the appointed member owns residential property within the CRA District, it must be the appointed member's homestead.

(2) If the appointed member owns commercial property within the CRA District, it must be the appointed member's primary place of business.

2.4. **CRA District Eight Subareas Limitation.** There shall be no more than one (1) appointed member of the RAC representing one of the eight (8) subareas within the CRA District at a given time.

2.5 **Other Advisory Board or Committee Membership Limitation.** No member of the RAC may concurrently serve on any other advisory board or committee.

2.6 **Member Profession Limitation.** There shall be no more than one (1) appointed member of the RAC engaged in the same profession at a given time.

2.7 **Member Age Eligibility.** There shall be no members of the RAC under the age of eighteen (18) years old at the time of appointment.

Article 3. Term.

3.1 **Term.** The term of the members of the RAC shall be for one (1) two-year term.

3.2 **Term Limits.** No member shall be appointed for more than two (2) terms.

3.3. **Reappointment.** Upon completion of the maximum allowable two-year term of membership, no RAC member shall be eligible for reappointment to the RAC for a period of two (2) years.

3.4. **Vacancy Procedure.** Three (3) months before the expiration of a RAC member's term, the CRA Executive Director shall post, for sixty (60) days, an announcement and the RAC appointment application form on the CRA website of the upcoming vacancy for the RAC.

Article 4. Officers.

4.1 Officers. The CRA Board shall appoint a Chair and Vice-Chair from the RAC members on an annual basis near the beginning of each CRA Fiscal Year. They shall serve for a one-year term. No one individual may hold more than one (1) office on the RAC.

4.2 Chair. The Chair shall be appointed by the CRA Board on an annual basis, unless the CRA Board determines that the Chair should serve a longer term. The Chair shall:

- (1) attend all CRA Board meetings;
- (2) preside at all meetings of the RAC and perform such other duties consistent with his or her office as may be imposed by the CRA Board including presenting at CRA Board meetings as necessary;
- (3) ensure that report(s) is prepared on each assignment that has been assigned to the RAC which shall include backup supporting documentation and individual reports from each RAC member that include their findings and recommendations on the matter at issue (*See* Article 4. Duties and Article 5. Reports); and
- (4) be considered the official head of the RAC for ceremonial purposes.

4.3 Vice-Chair. The Vice-Chair shall be appointed by the CRA Board on an annual basis unless the CRA Board determines that the Vice-Chair should serve a longer term. The Vice-Chair, in the absence or disability of the Chair, shall perform the duties of the Chair. The Vice-Chair shall also assist the Chair generally and perform such other duties as shall be prescribed by the CRA Board.

Article 5. Duties and Agenda.

5.1 Informational Advisory Capacity. The RAC shall serve only in an informational advisory capacity with no voting powers and shall hear matters that are assigned by the CRA Board.

5.2 RAC Section on CRA Agenda. The CRA's meeting agenda template will reflect a section titled "Committee(s)". This will provide the opportunity for an individual member of the CRA Board to raise a topic/assignment for the entire CRA Board to consider.

5.3 RAC Items on CRA Agenda. Only CRA Board Member(s) may request to place RAC items or the CRA Executive Director may place RAC items on the CRA agenda under the "Committee(s)" section. All RAC items shall be raised under the "Committee(s)" item section of the CRA agenda.

5.4 Preparation/Delivery of RAC Agenda. The CRA Executive Director shall prepare the RAC meeting agenda for discussion and the Chair shall make every effort to deliver report(s) and back-up documentation for the RAC agenda items to the CRA Executive Director no later than 5:00 p.m., fourteen (14) calendar days prior to the scheduled RAC meeting. The agenda, as well as report(s) and back-up documentation, shall be published and available for review by the public seven (7) calendar days prior to the scheduled RAC meeting.

5.5 Order of Business. The order of business at the RAC meetings shall be as follows, unless other presented by the Chair:

- (1) Call to Order
- (2) Calling of Roll
- (3) Pending Items
- (4) New Assignments
- (5) Public Comments on Agenda and Non-Agenda Items
- (6) Comments by the RAC Legal Advisor and RAC Board
- (7) Adjournment

5.6 Assignments. The CRA Board may only assign to the RAC matters included in **Exhibit “A”**. Exhibit A may be amended twice (2) a year – near the beginning of the CRA Fiscal Year and six (6) months thereafter. The CRA Board has the discretion to amend Exhibit “A” at any time.

5.7 Assignment approval. The CRA Board must approve, by majority vote, any assignment(s) given to the RAC.

5.8 RAC Agenda Items. When an assignment is given to the RAC by the CRA Board, it will then show on the RAC agenda and may show as an Item on future CRA agendas until the assignment is completed and reported back to the CRA Board. All assignments will be given a deadline for reporting back to the CRA Board. This will also provide transparency on all matters being reviewed by the RAC.

5.9 Completed RAC Assignments. Once the RAC’s assignment is complete and is ready to present a report to the CRA Board, the Chair may submit their report to CRA Executive Director for publishing on a future CRA agenda.

5.10 CRA Staff. When matters are assigned to the RAC, reliance on CRA staff should be minimized to the extent possible. The RAC and the RAC members may not assign work to CRA staff members including drafting report(s). Research by the members of the RAC should be done independently.

Article 6. Reports

6.1 Reports. Report(s) is prepared on each assignment that has been assigned to the RAC which shall include backup supporting documentation and individual reports from each RAC member that include their findings and recommendations on the matter at issue.

Article 7. Recommendations.

7.1 RAC Recommendations. All report(s) by the RAC may be reviewed by the CRA Board at the CRA Board’s sole discretion. The CRA Board shall have the sole discretion to accept, reject or modify recommendations by the RAC.

Article 8. Meetings.

8.1 Meetings. The RAC may hold quarterly regular meetings subject to the CRA Board's approval. The CRA Board has the discretion to approve additional RAC meetings. The quarterly meetings for the next fiscal year shall be schedule at the end of every CRA Fiscal Year subject to the CRA Board's approval. Meetings may be scheduled at other times or cancelled, subject to the CRA Board's approval, with the required proper notice.

8.2 Place of Meetings. Meetings of the RAC shall be held at the Wellbrock House located at 22 North Swinton Avenue, Delray Beach, Florida 33444 unless otherwise relocated by the CRA Executive Director.

8.3 Member Attendance. There shall be no less than three (3) RAC members present at the RAC meetings. If there are less than three (3) RAC members present or available for a RAC meeting, then the scheduled RAC meeting shall be cancelled or rescheduled subject to the CRA Board's approval.

8.4 Robert's Rules. The meeting shall be conducted in accordance with Robert's Rules of Order. However, deviations from such parliamentary procedure shall not constitute a substantive defect and shall be deemed utilized for procedural convenience only.

8.5 Public's Right to Comment. Members of the public shall be given a reasonable opportunity to be heard by the RAC at the RAC meetings. Public participation at the RAC meetings shall be provided in a manner consistent with the following procedures:

- (1) Members of the public shall be entitled to speak for an amount of time not to exceed two (2) minutes per person. Additional time may be permitted at discretion of the Chair with the consent of the majority of the RAC members present.
- (2) Any person making disruptive, impertinent or slanderous remarks, or who shall become boisterous while addressing the RAC and refuses to stop may be requested to leave the meeting by the Chair.
- (3) Any person who, at a meeting, willfully interrupts or disrupts the meeting in violation of Section 871.01, Fla. Stat., entitled "Disturbing Schools and Religious and Other Assemblies," is subject to arrest by those law enforcement officers present.

8.6 RAC Decorum and Civility. It is expressly understood and valued by the RAC members that all issues brought before the RAC are fairly debated and discussed with full participation from the public. With that understanding, all members of the RAC must strive to unify the RAC and support the mission of the collective body. (See Article 1. Mission)

8.6.1 During meetings, RAC members shall:

- (1) treat each other, CRA staff, and members of the public with dignity, courtesy, and respect;

- (2) encourage and/or ensure that the public treats the RAC members, CRA staff, and members of the public with dignity, courtesy, and respect;
- (3) be attentive;
- (4) encourage diverse viewpoints; and
- (5) promote discussion and resolution.

Article 9. Removal or Vacancies of Members.

9.1 **Inadequate Attendance.** A RAC member's absence at two (2) or more regular meetings of the RAC, during the twelve (12) month period, shall be grounds for removal from the RAC. The CRA Executive Director shall certify to the CRA Board the inadequate attendance of a member of the RAC. The removal shall be effective as of the date that the CRA Executive Director provided certification to the CRA Board and shall be served by personal delivery or by ordinary first-class mail to the member.

9.2 **Removal.** The RAC members serve at the pleasure of the CRA Board and may be removed with or without cause at any time by a majority vote of the CRA Board. Removal shall take effect immediately or upon a later date which the CRA Board may specify.

9.3 **No Property Rights.** No member of the RAC derives any property rights in the position on the RAC.

Article 10. Procedure.

10.1 **Notice of Removal.** A notice of removal shall be served upon the RAC member who has been removed by a majority vote of the CRA Board. The notice of removal shall be prepared by the CRA Legal Advisor and signed by the CRA Board Chair.

10.2 **Service of Notice.** The notice of removal shall be served by personal delivery or by ordinary first-class mail. Service shall be accomplished as soon as practicable after the CRA Board votes for removal of the RAC member.

Article 11. Vacancy.

11.1 **Vacancy.** Where a vacancy is caused by the resignation or removal of a member of the RAC prior to the term expiration, the vacancy of a RAC member shall be filled in the same manner as the original selection, to complete the unexpired term only, unless the unexpired term is for a period less than six (6) months. In that event, the appointed member shall then be allowed to serve the following full regular term without reappointment.

11.2 **Additional Term.** A RAC member who has been appointed to fill an unexpired term shall remain eligible to serve one (1) full two-year term in addition.

Article 12. General Provisions.

12.1 Emails, Text Messages, Social Media Posts, and Other Electronic Records. Florida Statute Chapter 119 defines emails, text messages, and social media posts as public records if they are made or received in connection with official business and intended to perpetuate, communicate, or formalize knowledge. Consequently, the CRA has a duty to store and archive these electronic records and members of the RAC shall conform to the following practices.

(1) Email Communications. RAC members shall use their City-issued email for sending and receiving emails made or received in connection with official CRA business as defined above. If an email is sent to a RAC member's private email, the RAC member shall promptly forward the email to their City-issued email address.

(2) Text Communications. RAC members that receive text messages made or received in connection with official RAC business as defined above shall forward the message to their City-issued email address.

(3) Social Media Posts. The RAC encourages the use of social media to promote transparency and efficiency in its communications to the public. While the State of Florida has a broad public records law, some information in the RAC records are confidential or subject to privileges or exemption under Chapter 119 and shall not be conveyed through social media platforms. Examples include, but are not limited to, attorney-client privileged information, records pertaining to pending litigation, personal information of the RAC members not subject to disclosure pursuant to the Public Records Act. Comments on a social media platforms about the RAC matters or issues shall include a disclaimer that the opinion or statement expressed therein are those of the RAC member and are not representations of the RAC or the CRA Board.

12.2 Relocation Outside CRA District. Each RAC member has a duty to provide written notice to the CRA Executive Director if they no longer have a homestead, no longer own property or no longer has a primary place of business within the CRA District within thirty (30) calendar days of the conclusion of the homestead status, closing of the sale of property, or conclusion of the primary place of business.

12.3 Conflict of Interest. Post appointment, each RAC member has a duty to provide written notice to the CRA Executive Director if they know of or suspect a conflict of interest with the CRA or the RAC within forty-eight (48) hours of acquiring the knowledge of the potential conflict. The matter may be presented to the CRA Board for consideration of possible removal. Failure to make disclosure of any and all potential conflicts of interests may be grounds for removal.

12.4 Communications with CRA Board. All communications between the RAC or individual RAC members with the CRA Board or individual CRA Board members should in a public meeting, on the CRA agenda, to promote transparency.

12.5 Applicable Law and Regulations.

(1) The RAC shall be subject to the Florida Sunshine Laws pursuant to Chapter 286, Florida Statutes and Public Records Act pursuant to Chapter 119, Florida Statutes.

(2) The RAC shall be subject to the Palm Beach County Code of Ethics pursuant to the Memorandum of Understanding between the CRA and the Palm Beach County Commission on Ethics. Appointees shall complete required ethics training as required by the Palm Beach County Commission on Ethics within thirty (30) calendar days of appointment and shall provide a certificate of completion to the CRA Executive Director.

Article 13. Amendment of this Resolution.

13.1 Proposal by CRA Board Member. Any CRA Board member may propose an amendment to this Resolution during a CRA Board meeting or direct such request to the CRA Executive Director and the proposed amendment shall be considered at a future CRA Board meeting.

13.2 Proposal by CRA Executive Director. The CRA Executive Director may propose an amendment to this Resolution by placing it on the CRA Board meeting agenda to be considered by the CRA Board.

13.3 Notice. Notice of any proposed amendment, and a copy of the amendment shall be provided to each CRA Board member by the CRA Executive Director, no later than seven (7) calendar days, prior to the CRA meeting at which the amendment will be considered.

13.4 Vote. The vote required to pass an amendment to this Resolution shall be a majority vote of the members of the CRA Board.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY this ____ day of _____ 2023.

DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY

BY: _____
ADAM FRANKEL, CHAIR

ATTEST:

RENÉE A. JADUSINGH, ESQ., EXECUTIVE DIRECTOR

I HEREBY CERTIFY THAT I HAVE
APPROVED THIS RESOLUTION
AS TO FORM:

KIM N. PHAN, ESQ., LEGAL ADVISOR

EXHIBIT “A”

(As of August 22, 2023)

- 1) General Development ideas for West Atlantic Avenue Corridor
- 2) Review Conceptual Site Plan for 600-800 West Atlantic Block