

1 (CRA ORD 5/09/89)

2 ORDINANCE NO. 89-6

3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 PALM BEACH COUNTY, FLORIDA, RELATING TO AND CREATING  
5 THE WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT  
6 AGENCY; PROVIDING FOR APPOINTMENT OF THE MEMBERS;  
7 PROVIDING FOR THE ORGANIZATION OF THE AGENCY;  
8 PROVIDING FOR THE EXERCISE OF CERTAIN POWERS;  
9 PROVIDING THAT ALL OTHER POWERS CONTINUE TO VEST IN  
10 THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR  
11 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;  
12 AND PROVIDING FOR AN EFFECTIVE DATE.

13 WHEREAS, the Legislature of the State of Florida has enacted  
14 the "Community Redevelopment Act of 1969"; and

15 WHEREAS, the Act authorizes any county or municipality to  
16 create a separate body corporate and politic to be known as a community  
17 redevelopment agency upon a finding of necessity; and

18 WHEREAS, the Board of County Commissioners of Palm Beach County  
19 has adopted a Resolution finding that the area known as the  
20 Westgate/Belvedere Homes area is a slum and blighted area that exists  
21 within Palm Beach County, and that the rehabilitation, conservation and  
22 redevelopment of such area is necessary to the public health, safety,  
23 morals and welfare of the residents of Palm Beach County; and

24 WHEREAS, the Board of County Commissioners has made a further  
25 finding that there is a need for a community redevelopment agency to  
26 function in Palm Beach County to carry out the community redevelopment  
27 purposes of the Community Redevelopment Act of 1969.

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

1           Section 1. AUTHORITY FOR ENACTMENT.

2           This ordinance is enacted pursuant to the Community  
3 Redevelopment Act of 1969, as amended, Chapter 69-305, Laws of Florida.

4           Section 2. CREATION OF THE WESTGATE/BELVEDERE HOMES COMMUNITY  
5                       REDEVELOPMENT AGENCY

6           There is hereby created a public body corporate and politic to  
7 be known as the Westgate/Belvedere Homes Community Redevelopment Agency,  
8 hereinafter referred to as the "Agency."

9           Section 3. MEMBERSHIP

10          3.01. The agency shall consist of seven (7) commissioners  
11 appointed by the Board of County Commissioners. Any person may be  
12 appointed as a commissioner if he or she resides or is engaged in  
13 business, which shall mean owning a business, practicing a profession, or  
14 performing a service for compensation, or serving as an officer or  
15 director of a corporation or other business entity so engaged, within the  
16 area of operation of the agency, which shall be coterminous with the area  
17 of operation of the county.

18          3.02. Terms of office of the commissioners shall be for 4 years  
19 except that three of the members first appointed shall be designated to  
20 serve terms of 1, 2 and 3 years, respectively, from the date of their  
21 appointments, and four (4) members shall be designated to serve for terms  
22 of 4 years from the date of their appointments. A vacancy occurring  
23 during a term shall be filled for the unexpired term. A certificate of  
24 the appointment or reappointment of any commissioner shall be filed with  
25 the clerk of the county, and such certificate shall be conclusive  
26 evidence of the due and proper appointment of such commissioner.

27          3.03. A commissioner shall receive no compensation for his  
28 services, but shall be entitled to the necessary expenses, including  
29 traveling expenses, incurred in the discharge of his duties, subject to  
30 prior approval by the Board of County Commissioners.

31          3.04. The powers of a community redevelopment agency shall be  
32 exercised by the commissioners thereof. A majority of the commissioners  
33 shall constitute a quorum for the purpose of conducting business and  
34 exercising the powers of the agency and for all other purposes. Action  
35 may be taken by the agency upon a vote of a majority of the commissioners  
36 present, unless in any case the bylaws shall require a larger number.

1           3.05. The Board of County Commissioners shall designate a chair  
2 and vice chair from among the commissioners.

3           3.06. The agency may employ an executive director, technical  
4 experts, and such other agents and employees, permanent and temporary, as  
5 it may require, and determine their qualifications, duties, and  
6 compensation. For such legal service as it may require, an agency may  
7 employ or retain its own counsel and legal staff.

8           3.07. The agency shall file with the Board of County  
9 Commissioners and with the Auditor General, on or before March 31st of  
10 each year, a certified audit report of its activities for the preceding  
11 fiscal year, which report shall include a complete financial statement  
12 setting forth its assets, liabilities, income, and operating expenses as  
13 of the end of such fiscal year. At the time of filing the report, the  
14 agency shall publish in a newspaper of general circulation in the  
15 community a notice to the effect that such report has been filed with the  
16 county and that the report is available for inspection during business  
17 hours in the Office of the Clerk of the Board of County Commissioners and  
18 in the office of the Agency.

19           3.08. The Board of County Commissioners may remove a commissioner  
20 for inefficiency, neglect of duty, or misconduct in office only after a  
21 hearing and only if he has been given a copy of the charges at least ten  
22 (10) days prior to such hearing and has had an opportunity to be heard in  
23 person or by counsel.

24           3.09. The agency shall have the power and authority to make and  
25 issue such regulations, bylaws and rules as it deems necessary to  
26 implement its powers and functions.

27           3.10. The officers, commissioners and employees of the Agency  
28 shall be subject to the code of ethics as stated in the provisions and  
29 requirements of Part III of Chapter 112, Florida Statutes (1987) and  
30 Section 163.367, Florida Statutes (1987).

31           Section 4. POWERS

32           4.01. The agency shall have the following powers:

- 33                 1. The power of eminent domain, subject to prior approval  
34                         by the Board of County Commissioners.

1                   2. To make and execute contracts and other instruments  
2                   necessary or convenient to the exercise of its powers  
3                   under the Community Redevelopment Act of 1969; to  
4                   disseminate slum clearance and community redevelopment  
5                   information; and to undertake and carry out community  
6                   redevelopment and related activities within the  
7                   community redevelopment area, which redevelopment may  
8                   include:  
9                   a. Acquisition of a slum area or blighted area or  
10                  portion thereof.  
11                  b. Demolition and removal of buildings and  
12                  improvements.  
13                  c. Installation, construction, or reconstruction  
14                  of streets, utilities, parks, playgrounds, and  
15                  other improvements necessary for carrying out  
16                  in the community redevelopment area the  
17                  community redevelopment objectives of the  
18                  Community Redevelopment Act of 1969 in  
19                  accordance with the community redevelopment  
20                  plan.  
21                  d. Disposition of any property acquired in the  
22                  community redevelopment area at its fair value  
23                  for uses in accordance with the community  
24                  redevelopment plan.  
25                  e. Carrying out plans for a program of voluntary  
26                  or compulsory repair and rehabilitation of  
27                  buildings or other improvements in accordance  
28                  with the community redevelopment plan.  
29                  f. Acquisition of real property in the community  
30                  redevelopment area which, under the community  
31                  redevelopment plan, is to be repaired or  
32                  rehabilitated for dwelling use or related  
33                  facilities, repair or rehabilitation of the  
34                  structures for guidance purposes, and resale of  
35                  the property.

- 1 g. Acquisition of any other real property in the  
2 community redevelopment area when necessary to  
3 eliminate unhealthful, unsanitary or unsafe  
4 conditions, lessen density, eliminate obsolete  
5 or other uses detrimental to the public  
6 welfare, or otherwise to remove or prevent the  
7 spread of blight or deterioration, or to  
8 provide land for needed public facilities.
- 9 h. Acquisition, without regard to any requirement  
10 that the area be a slum or blighted area, of  
11 air rights in an area consisting principally of  
12 land in highways, railway or subway tracks,  
13 bridge or tunnel entrances, or other similar  
14 facilities which have a blighting influence on  
15 the surrounding area and over which air rights  
16 sites are to be developed for the elimination  
17 of such blighting influences and for the  
18 provision of housing (and related facilities  
19 and uses) designed specifically for, and  
20 limited to, families and individuals of low or  
21 moderate income.
- 22 i. Construction of foundations and platforms  
23 necessary for the provision of air rights sites  
24 of housing (and related facilities and uses)  
25 designed specifically for, and limited to,  
26 families and individuals of low or moderate  
27 income.
- 28 3. To provide, or arrange or contract for, the  
29 furnishing or repair by any person or agency,  
30 public or private, of services, privileges, works,  
31 streets, roads, public utilities or other  
32 facilities for or in connection with a community  
33 redevelopment project; to install, construct, and  
34 reconstruct streets, utilities, parks, playgrounds,

1 and other public improvements; and to agree to any  
2 conditions that it may deem reasonable and  
3 appropriate which are attached to federal financial  
4 assistance and imposed pursuant to federal law  
5 relating to the determination of prevailing  
6 salaries or wages or compliance with labor  
7 standards, in the undertaking or carrying out of a  
8 community redevelopment project and related  
9 activities, and to include in any contract let in  
10 connection with such a project and related  
11 activities provisions to fulfill such of said  
12 conditions as it may deem reasonable and  
13 appropriate.

14 4. Within the community redevelopment area:

- 15 a. To enter into any building or property in any  
16 community redevelopment area in order to make  
17 inspections, surveys, appraisals, soundings or  
18 test borings and to obtain an order for this  
19 purpose from a court of competent jurisdiction  
20 in the event entry is denied or resisted.
- 21 b. To acquire by purchase, lease, option, gift,  
22 grant, bequest, devise, eminent domain subject.  
23 to prior approval by the Board of County  
24 Commissioners, or otherwise, any real property  
25 (or personal property for its administrative  
26 purposes), together with any improvements  
27 thereon.
- 28 c. To hold, improve, clear, or prepare for  
29 redevelopment any such property.
- 30 d. To mortgage, pledge, hypothecate, or otherwise  
31 encumber or dispose of any real property  
32 subject to prior approval by the Board of  
33 County Commissioners.

- 1 e. To insure or provide for the insurance of any  
2 real or personal property or operations of the  
3 County against any risks or hazards, including  
4 the power to pay premiums on any such  
5 insurance.
- 6 f. To enter into any contracts necessary to  
7 effectuate the purposes of this part.
- 8 5. To invest any community redevelopment funds held in  
9 reserves or sinking funds or any such funds not  
10 required for immediate disbursement in property or  
11 securities in which savings banks may legally  
12 invest funds subject to their control and to redeem  
13 such bonds as have been issued pursuant to Section  
14 163.385, Florida Statutes (1987), at the redemption  
15 price established therein or to purchase such bonds  
16 at less than redemption price, all such bonds so  
17 redeemed or purchased to be cancelled.
- 18 6. To borrow money and to apply for and accept  
19 advances, loans, grants, contributions and any  
20 other form of financial assistance from the Federal  
21 Government or the state, county, or other public  
22 body, or from any sources, public or private, for  
23 the purposes of this part, and to give such  
24 security as may be required and to enter into and  
25 carry out contracts or agreements in connection  
26 therewith; and to include in any contract for  
27 financial assistance with the Federal Government  
28 for or with respect to a community redevelopment  
29 project and related activities such conditions  
30 imposed pursuant to federal laws as the county may  
31 deem reasonable and appropriate and which are not  
32 inconsistent with the purpose of this part.
- 33 7. Within its area of operation, to make or have made  
34 all surveys and plans necessary to the carrying out

1 of the purposes of this part and to contract with  
2 any person, public or private, in making and  
3 carrying out such plans and to adopt or approve,  
4 modify and amend such plans, which plans may  
5 include, but not be limited to:  
6 a. Plans for carrying out a program of voluntary  
7 or compulsory repair and rehabilitation of  
8 buildings and improvements.  
9 b. Plans for the enforcement of state and local  
10 laws, codes, and regulations relating to the  
11 use of land and the use and occupancy of  
12 buildings and improvements and to the  
13 compulsory repair, rehabilitation, demolition,  
14 or removal of buildings and improvements.  
15 c. Appraisals, title searches, surveys, studies,  
16 and other plans and work necessary to prepare  
17 for the undertaking of community redevelopment  
18 projects and related activities.  
19 8. To develop, test, and report methods and  
20 techniques, and carry out demonstrations and other  
21 activities, for the prevention and the elimination  
22 of slums and urban blight and developing and  
23 demonstrating new or improved means of providing  
24 housing for families and persons of low income.  
25 9. To apply for, accept and utilize grants of funds  
26 from the Federal Government for such purposes.  
27 10. To prepare plans for and assist in the relocation  
28 of persons (including individuals, families,  
29 business concerns, nonprofit organizations and  
30 others) displaced from a community redevelopment  
31 area, and to make relocation payment to or with  
32 respect to such persons for moving expenses and  
33 losses of property for which reimbursement or  
34 compensation is not otherwise made, including the



1 making of such payments financed by the Federal  
2 Government.

3 11. Subject to prior approval by the Board of County  
4 Commissioners, to appropriate such funds and make  
5 such expenditures annually as are necessary to  
6 carry out the purposes of this part and to enter  
7 into agreements with a housing authority.

8 12. Within its area of operation, to organize,  
9 coordinate, and direct the administration of the  
10 provisions of this part, as they may apply to such  
11 county, in order that the objective of remedying  
12 slum and blighted areas and preventing the cause  
13 thereof within such county may be most effectively  
14 promoted and achieved.

15 4.02. All other powers set forth and contemplated in Chapter 163  
16 of the Florida Statutes continue to vest in the Board of County  
17 Commissioners, including the following powers as set forth in Section  
18 163.358, Florida Statutes (1987):

19 1. The power to determine an area to be a slum or blighted  
20 area, or combination thereof; to designate such area as  
21 appropriate for community redevelopment and to hold any  
22 public hearings required with respect thereto.

23 2. The power to grant final approval to community  
24 redevelopment plans and modifications thereof.

25 3. The power to authorize the issuance of revenue bonds as  
26 set forth in Section 163.385, Florida Statutes (1987).

27 4. The power to approve the acquisition, demolition,  
28 removal, or disposal of property as provided in Section  
29 163.370(3), Florida Statutes (1987) and the power to  
30 assume the responsibility to bear loss as provided in  
31 Section 163.370(3), Florida Statutes (1987).

32 Section 5. REPEAL OF LAWS IN CONFLICT

33 All local laws and ordinances applying to the unincorporated  
34 area of Palm Beach County in conflict with any provisions of this  
35 ordinance are hereby repealed.

