

- PALM BEACH COUNTY CODE
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS, ETC.

DIVISION 3. - HOUSING FINANCE AUTHORITY

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Sec. 2-181. - Title.

This division is enacted pursuant to the Florida Housing Finance Authority Law, F.S. §§ 159.601 through 159.623, as may be amended, and shall be known as the "Housing Finance Authority of Palm Beach County, Florida Ordinance."

(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-182. - Declaration of need.

It is hereby ascertained and found that there is a shortage of affordable housing and of capital for investment in affordable housing in the county, and there is hereby declared that there is a need for a housing finance authority in the county to alleviate and remedy the aforementioned affordable housing and investment capital shortage.

(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-183. - Creation of authority.

There is hereby created a separate public body corporate and politic to be known as the housing finance authority of the county, consisting of seven (7) members to be appointed by the board of county commissioners and which is directed to carry out and exercise, without limitation except as is herein expressly stated or as provided in the Florida Housing Finance Authority Law, all powers and authority set forth in and contemplated by the Florida Housing Finance Authority Law. The housing finance authority shall have the power to make and issue such regulations, by-laws, and rules as it deems necessary to implement its powers and functions.

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(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-184. - Membership.

Each commissioner of the board of county commissioners shall nominate one (1) person to serve on the housing finance authority (the "Authority"). The nomination shall be subject to the confirmation of a majority vote of the board of county commissioners. The membership of the Authority should represent the following components of the affordable housing industry: labor (organized labor or trade association); financial (banking or similar institution or tax or financial professionals, such as attorney, accountant, or financial planner); commerce (business owner or representative or business organization representative); and low income or affordable housing advocates (resident of affordable housing, representative of an organization that advocates on behalf of low income persons for affordable housing or real estate professional specializing in affordable housing). In compliance with F.S. § 159.605(1), as may be amended, at least a majority of the membership shall have knowledge in labor, finance or commerce, as defined within this division. All members of the Authority must be residents of the county. The terms of the members shall be four (4) years each, and shall continue to be staggered in accordance with prior ordinances. A member shall hold office until his or her successor has been appointed and has qualified unless such member has been removed pursuant to [section 2-186](#) herein. Each vacancy as it occurs shall be filled for the remainder of the unexpired term.

A certificate of the appointment or reappointment of any member shall be filed with the clerk of the circuit court, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A member shall receive no compensation for his or her services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of duties.

In June of every year, the members of the Authority shall nominate a chairperson, and submit such nomination to the board of county commissioners for approval. No member may serve more than two (2) consecutive complete one (1) year terms as chairperson. The board of county commissioners retains the ultimate authority to designate a chairperson of the Authority.

(Ord. No. 02-022, § I, 5-21-02; Ord. No. 2012-028, § 1, 9-11-12)

Sec. 2-185. - Conduct of meetings.

A majority of the members currently appointed, shall constitute a quorum, and action may be taken by the housing finance authority upon a vote of a majority of the members present. All meetings shall be governed by Robert's Rules of Order. The housing finance authority shall comply with the Florida Sunshine Law. Reasonable public notice of all meetings shall be provided and all such meetings shall be opened to the public at all times. Minutes of all meetings shall be maintained and copies of such minutes shall be forwarded to the board of county commissioners within forty-five (45) days of the meeting date.

(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-186. - Removal of members.

In compliance with F.S. § 159.607, as may be amended, a member of the housing finance authority may be removed without cause by a three-fifths vote (at least five (5) votes) of the board of county commissioners. A member of the housing finance authority may be removed for neglect of duty or misconduct in office by a majority vote of the board of county commissioners. A member removed for cause, may only be removed after he or she has been given a copy of the charges at least ten (10) days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. If a member

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is removed for cause, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the circuit court. If a member is removed pursuant to this section, such removal shall occur immediately or at the time specified by the board of county commissioners.

(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-187. - Attendance.

Lack of attendance at meetings shall constitute neglect of duty. Lack of attendance is defined as failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled in a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Excused absences due to illness, absence from the county, or personal hardship, if approved by a majority vote of the housing finance authority, shall not constitute lack of attendance. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the board.

(Ord. No. 02-022, § I, 5-21-02)

Sec. 2-188. - Conflict of interest; disclosures.

In compliance with F.S. § 159.606, as may be amended, no member or employee of the Authority shall acquire any interest, direct or indirect, in any qualifying housing development or in any property included or planned to be included in such a development, nor shall an Authority member or employee have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any qualifying housing development. If any member or employee of the Authority owns or controls, through acquisition prior to membership on the Authority, an interest, direct or indirect in any property included or planned to be included in any qualifying housing project, the Authority member or employee shall immediately disclose the same in writing to the Authority. Such disclosure shall be entered upon the minutes of the Authority. Failure to disclose such interest shall constitute misconduct in office.

In compliance with F.S. § 159.609, as may be amended, the Authority shall not finance the acquisition, construction, any reconstruction, or rehabilitation of any qualifying housing development for its own profit or as a source of revenue to the state or any local governmental unit.

The provisions of the Palm Beach County Code of Ethics, Article XIII of the Palm Beach County Code, sections [2-441](#)—2-448, as may be amended, shall apply to Authority members and employees.

(Ord. No. 02-022, § I, 5-21-02; Ord. No. 2012-028, § 1, 9-11-12)

Sec. 2-189. - Contracts of the authority.

All contracts of the Authority for the purchase of goods and services in excess of \$10,000.00 shall be submitted to and approved, in each instance, by the board of county commissioners. All Authority purchases of goods and services shall be done in accordance with the competitive processes as outlined in county ordinances and policies.

(Ord. No. 02-022, § I, 5-21-02; Ord. No. 2012-028, § 1, 9-11-12)

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Sec. 2-190. - Bonds of the authority.

Prior to sale of any Authority bonds, such bonds shall be submitted to and approved, in each instance, by the board of county commissioners. The underwriter, placement agent or direct purchaser of the bonds, whether the bonds are sold through public sale, negotiated sale, or private placement, shall also be approved by the board of county commissioners, but approval of bond purchase or placement agreements by the board of county commissioners shall not be required.

(Ord. No. 02-022, § I, 5-21-02; Ord. No. 2012-028, § 1, 9-11-12)

Sec. 2-191. - Rules and regulations.

All rules or regulations to be promulgated by the Authority, including but not limited to, rules setting forth standards or criteria for determining whether persons are eligible persons in the program or projects are eligible projects and rules establishing criteria for scoring applications and authorizing bond issues as the same are initially established or are changed or amended from time to time, shall be submitted to and approved, in each instance, by the board of county commissioners. The Authority, when determining which projects and programs to fund, shall coordinate with the county, through its Department of Economic Sustainability to ensure that affordable housing is placed in the areas where the need has been identified by current studies.

(Ord. No. 02-022, § I, 5-21-02; Ord. No. 2012-028, § 1, 9-11-12)

Secs. 2-192—2-200. - Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 02-022, § I, adopted May 21, 2002, amended the Code by, in effect, repealing former div. 3, §§ 2-181—2-187, and adding a new div. 3, §§ 2-181—2-191, to read as herein set out. Former div. 3 pertained to similar subject matter, and derived from Ord. No. 79-3, adopted February 6, 1979; Ord. No. 91-7, adopted January 22, 1991; Ord. No. 98-53, adopted October 20, 1998; and Ord. No. 01-016, adopted April 17, 2001. ([Back](#))

State Law reference— Florida Housing Finance Authority Law, F.S. § 159.601 et seq. ([Back](#))