

City of Palm Bay, Florida

**BAYFRONT COMMUNITY REDEVELOPMENT AGENCY
BY-LAWS**

**ARTICLE I
PURPOSE AND INTENT**

Section 1. The City Council hereby establishes the by-laws for the Bayfront Community Redevelopment Agency. The purpose and intent of the by-laws is to set forth a uniform set of rules and procedures whereby the City of Palm Bay Bayfront Community Redevelopment Agency, hereinafter referred to as the “Agency” may regulate the manner in which it elects officers, conducts meetings, and performs its duties and responsibilities.

**ARTICLE II
COMPOSITION**

Section 1. The Agency shall be comprised of a board of seven (7) commissioners.

Section 2. Any person may be appointed as a commissioner if he/she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the Bayfront Community Redevelopment District, and which shall be coterminous with the city of Palm Bay.

**ARTICLE III
TERMS OF OFFICE**

Section 1. Initial Terms.

A. The initial terms for commissioners shall be as follows:

- 1.** One (1) commissioner appointed for a term of one (1) year;
- 2.** One (1) commissioner appointed for a term of two (2) years;
- 3.** One (1) commissioner appointed for a term of three (3) years;
- 4.** Four (4) commissioners appointed for terms of four (4) years.

B. After expiration of the above initial terms, all appointments shall be made for a term for four (4) years.

Section 2. Appointments.

A. Each council seat shall appoint one (1) commissioner. Subsequent appointments shall coincide with the council seat and not the term of office of the councilmember.

B. The initial terms of the five (5) commissioners appointed by the city council shall be as follows:

Mayor	3 years
Seat 2	1 year
Seat 3	4 years
Seat 4	4 years
Seat 5	4 years

C. The two (2) remaining positions shall be considered ‘at-large’. The members shall be selected by using the city council’s process for filling board positions. The initial terms of the positions shall be as follows:

At-Large	2 years
At-Large	4 years

Section 3. All terms shall commence on September 1st and all terms shall conclude on August 31st, or until the commissioner’s qualified successor has been appointed, whichever occurs later.

Section 4. Commissioners may only be removed as set forth in Article VI, Business, Section 6, Absences and Vacancies, Paragraph A, of the by-laws.

**ARTICLE IV
OFFICERS**

Section 1. A Chairperson shall be elected by a majority of the commissioners at the regular meeting in the month of September.

A. The duties of the Chair shall consist of, but not be limited to, the following:

- 1. Preside at all meetings and hearings of the Agency and shall have the duties normally conferred by parliamentary law to such office;**
- 2. The privilege of discussing all matters before the Agency and shall have the same voting rights as all Agency members;**
- 3. Preserve strict order and decorum at all meetings. He/she shall maintain control of the meeting and keep it focused;**

4. Shall place every motion before the Agency for consideration, announce the result, announce the decisions of the Agency on all issues, and decide all questions of order;

5. May establish a time limit for public speakers addressing the Agency.

B. The term of the position as Chair shall be for one (1) year. The individual serving as Chair shall be eligible to serve one (1) additional consecutive term as Chair.

Section 2. A Vice Chairperson shall be elected by a majority of the commissioners at the regular meeting in the month of September and the term of office shall be for one (1) year.

A. The duties of the Vice Chair shall consist of, but not be limited to, the following:

1. Preside in the absence of the Chair;
2. In the event of the death or resignation of the Chair, shall perform the various duties of the Chair until such time as the city council shall appoint a new Chair.

Section 3. In the absence of the Chair and Vice Chair, the remaining members shall select a member, by consensus of those members present at the meeting, who shall assume the duties of the Chair.

Section 4. The city manager shall designate a member of the city staff to serve as Secretary to the Agency. The duties of the Secretary shall include the preparation and distribution of the agendas and minutes and the maintenance of records created or received by the Agency in its transaction of official business.

**ARTICLE V
MEETINGS**

Section 1. Organizational Meeting.

An organizational meeting shall be held in September 2000 at which time the Agency shall decide its regular meeting date and time.

Section 2. Meetings.

A. Regular Meetings.

1. Regular meetings shall be held on the third Tuesday of each month at 7:00 p.m., at the Ted Moorhead Lagoon House, 3275 Dixie Highway, NE, Palm Bay, or at such other facilities accessible to the public.
2. The day, time, and location of the regular meeting may be changed upon the affirmative vote of a majority of the entire membership of the Agency.
3. Notice of regular meetings shall be given to the Agency members and news media at least seven (7) days in advance of the meeting and shall be in accordance with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes.
4. A regular meeting may be continued if all business cannot be conducted on the noticed date; no further public notice shall be necessary for resuming such meeting provided the time, date, and place of resumption is stated at the time of continuance, unless additional notice is required by law.

B. Special and Workshop Meetings.

1. Special or workshop meetings may be called by the Chair or at least three (3) members of the Agency by written notification to the Chair.
2. Notice of special or workshop meetings shall be given to all Agency members and news media at least twenty-four (24) hours in advance of the meeting and earlier, if possible, and shall be in accordance with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes.
3. In no event shall official action be taken by the Agency at any workshop meeting.

C. When a member is unable to attend a meeting, he/she shall notify the Secretary either in writing or orally at least twenty-four (24) hours prior to the time set for the meeting.

D. Whenever there is no business or when a majority of the members notify the Secretary of inability to attend a meeting, the Chair may cancel the meeting by giving written or oral notice to all members as soon as possible. Said notice shall be posted in a conspicuous place within or at the scheduled meeting place and the news media shall be notified of the cancellation.

Section 3. The curfew for all meetings shall be 9:00 P.M.

**ARTICLE VI
BUSINESS**

Section 1. Quorum.

A quorum shall consist of at least four (4) of the commissioners for the purpose of conducting business and exercising the powers of the Agency.

Section 2. Recognition by the Chair.

Agency members desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself/herself to the subject matter under discussion.

Section 3. Voting.

A. The vote of a majority of those members present shall be necessary to decide matters before the Agency.

B. Voting shall be by voice vote and shall be recorded by an individual “yea” or “nay”.

C. A tie vote on a motion shall constitute a failure of the motion.

D. Members of the Agency shall be bound by the voting provisions set forth in Florida Statutes, Section 112.3143, Voting Conflicts, notwithstanding the provisions of Florida Statutes, Section 112.3143(3)(b).

E. No member shall vote by proxy on any matter before the Agency.

Section 4. Order of Business.

A. The order of business shall be in substantially the following format and may be added to or deleted from by a majority vote of the Agency:

- Call to Order
- Roll Call
- Brief Introductions
- Adoption of Minutes
- Public Comments
- Presentations
- Agency Updates
- Old Business
- New Business
- Commissioner Reports
- Other Agency Business
- Adjournment

B. The Agency may utilize the Consent Agenda to act upon routine items which are not controversial in nature and which do not need further discussion. The Chair and a City staff member shall select the items to be placed on the Consent Agenda.

Section 5. Public Comments.

A. These procedures are established to provide an orderly method for the receipt of comments from the public on general matters and specific agenda items at public meetings.

B. Individuals who wish to address the Agency shall provide their name, address, subject matter on which they wish to speak, and a means of contact on a sign-in sheet on the podium. Speakers shall be limited to three (3) minutes and may not donate time to another speaker.

C. Public Comments on Non-Agenda Items.

- 1. Individuals who wish to address items not specifically listed on the agenda will be given the opportunity to address the Agency under the agenda heading of “Public Comments”.**

D. Public Comments on Agenda Items.

- 1. Individuals wishing to address agenda items can do so at the time the agenda item is being considered by the Agency. The Chairperson will ask if there are any public comments prior to the Agency taking action on an item.**

Section 6. Absences and Vacancies.

A. The position of any member who fails to attend three (3) regular and/or special meetings during any period of six (6) successive months shall be vacated in accordance with Section B, below, unless such absences are excused by a majority of the members present at such meetings. The Chair shall notify the city council in writing of absences that would vacate the seat.

- 1. The Agency shall establish the criteria for ‘excused’ absences; absences not meeting the criteria shall be considered ‘unexcused’.**

B. The city council may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he/she has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

C. The position of any member who ceases to be qualified pursuant to Article II, Section 2, herein, shall automatically be vacated.

D. Resignations shall be in writing addressed to the Chair or the Secretary by mail or delivered in person.

E. The Chair shall notify the city council of any vacancy during a term due to a resignation, death, or non-qualification of a member. The vacancy shall be filled in accordance with Article III, Section 2.

F. Appointments to fill any vacancy on the Agency shall be for the remainder of the unexpired term of office.

G. A certificate of an appointment or reappointment shall be filed with the city clerk.

Section 7. The members of the Agency shall comply with Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, and subsequent amendments thereto (Ethics and Financial Disclosure).

**ARTICLE VII
DUTIES AND RESPONSIBILITIES**

Section 1. The Bayfront Community Redevelopment Agency, based on the findings of Palm Bay Resolution No. 95-72, is hereby created by the City Council to carry out the redevelopment purposes of Chapter 163, Part III, Community Redevelopment, Florida Statutes, and the Bayfront Redevelopment District Plan.

Section 2. All rights, powers, duties, privileges, and immunities provided for in Section 163.330, Florida Statutes, are hereby vested in the Bayfront Community Redevelopment Agency.

Section 3. The Agency shall act as fiduciary of the Bayfront Redevelopment Trust Fund.

A. The general administration, management, and responsibility of the proper operation of the Bayfront Community Redevelopment Trust Fund, established and created by Palm Bay Ordinance No. 99-19, as amended by Ordinance Nos. 99-24 and 2000-38, shall be vested in said Agency.

B. Funds shall be utilized and expended for the purposes of and in accordance with the Bayfront Redevelopment District Plan and all state and federal laws.

C. The Agency is empowered to spend funds which it acquires through its various activities in accordance with the applicable Florida Statutes.

D. The city council may appropriate to the Agency such amounts as the city council deems necessary for the administrative expenses and overhead of the

Agency, including the development and implementation of community policing innovations.

Section 4. Purchasing Procedures.

The Agency shall abide by the purchasing procedures governing the city of Palm Bay.

Section 5. Committees and Support.

A. The Agency shall have the power to establish ad hoc committees for purposes of conducting in-depth studies and recommendations on projects or programs to be acted upon by the Agency or which may be required by the Agency to efficiently conduct the affairs of the Agency. Membership of such committees shall consist of one or more members from the Agency, interested residents of Palm Bay, and any technical professional, or business persons(s) deemed appropriate.

Such committees shall be appointed by the Chair, with the consent of the majority of the members present at such meeting.

B. The Agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation.

C. The Agency may employ or retain its own counsel and legal staff for such legal service as it requires.

D. The Agency shall utilize Requests for Proposal for the services of counsel, subcontractors, consultants, or individuals that are necessary to efficiently conduct the affairs of the Agency. The City of Palm Bay's Purchasing Division will assist the Agency in preparing, advertising, evaluating and selecting the appropriate counsel, subcontractor, consultant or individuals for submission to the City Council for final approval.

E. The Agency shall utilize the temporary agency recognized by the City of Palm Bay for the employment of clerical services or temporary labor. The City's Human Resources Department will assist the Agency in obtaining services through the temporary agency.

F. All employment services shall be retained and terminated in accordance with the City's employment policies and procedures.

G. The Agency and duly authorized committees shall have access, upon approval by the city manager, to the information and staff of the all departments of the city on such a basis as these departments are able to render assistance.

Section 6. Reports to the City Council.

A. The Agency shall submit, through the city clerk’s office, monthly reports consisting of minutes and financial reports to the city council and such other reports as the city council shall from time to time require.

B. The Agency shall file with the city council and the auditor general on or before March 31st of each year a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year.

C. At the time of filing the report required in Section B above, the Agency shall publish in a newspaper of general circulation in the city a notice to the effect that such report has been filed with the city and that the report is available for inspection during business hours in the office of the city clerk and in the office of the Agency.

Section 7. A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.

Section 8. No individual member of the Agency has the authority to issue orders, act or speak in the name of the Agency, unless specifically empowered to do so by a majority vote of the Agency at a regular or special meeting.

**ARTICLE VIII
RECORDS**

Section 1. All records of the Agency shall be open to public examination. The inspection and duplication of records shall be in accordance with the provisions of Chapter 119, Florida Statutes, Public Records Law.

Section 2. The maintenance and retention of records of the Agency shall be in accordance with the State’s General Records Schedules as established by Chapter 257, Florida Statutes.

**ARTICLE IX
AMENDMENTS**

The Agency, by a majority vote, may make a recommendation(s) to the city council for an amendment(s) to the by-laws. Such proposed recommendation(s) shall be submitted to the members of the Agency at least thirty (30) days before the meeting at which such amendment(s) is to be considered. Amendments to the by-laws shall be made by motion of the city council.

**ARTICLE X
REVOCATION OF DELEGATION BY BREVARD COUNTY**

The Brevard County, Board of County Commissioners, in accordance with Section 3, Paragraph B, of its Resolution No. 99-111, reserves the right to either revoke the delegation of authority to the city or to designate itself as the redevelopment agency (upon proof of non-performance) if it deems it is necessary for the protection of the health, safety, welfare, or fiscal interests of the public or the redevelopment area.

**ARTICLE XI
DISSOLUTION**

The Bayfront Community Redevelopment Agency shall cease to exist as the community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes, after twenty-five (25) years from the date of Brevard County's Resolution No. 99-111 (enacted May 4, 1999), unless extended by the Board of County Commissioners.

Adopted: RCM 2000-27; 08-17-00

Revisions:

RCM 2004-11; 04-22-04

Commissioners to select the Chair and Vice Chair instead of the City Council.

RCM 2013-20; 09-05-13

Public comments revised to comply with new state law (HB 50)

RCM 2015-26; 09-17-15

Order of Business revised

RCM 2015-31; 11-17-15

Regular meeting day and location revised