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October 4, 2022

Via E-Mail Only

Mayor and Commissioners
City of Lake Worth Beach
7 N. Dixie Highway
Lake Worth Beach, FL 33460

RE: Analysis and History of Lake Worth Beach CRA and other CRAs

Dear Mayor and Commissioners:

At your request, we have prepared this analysis and history of Community Redevelopment Agencies (CRA's). In 1993, the Board of Commissioners of the Lake Worth Beach CRA was created by resolution of the City Commission and was composed of the members of the City Commission plus two (2) additional members. Section 2-59, originally adopted in 1993, established that the board of commissioners of the CRA "shall hereafter" be a seven-member board appointed by the City Commission. There have been amendments to this Section of the Code in 1995 (added Section 2-59.1), 1997 (City Commission appointing itself as CRA board), and 2001 (reinstating the original language from 1993).

As stated above, in 1997, the City Commission adopted Resolution No. 44-97, declaring itself as the Board of Commissioners of the Lake Worth Beach CRA and allowing for the appointment of two (2) additional members. In 2001, the City Commission adopted Resolution No. 54-2001, declaring the seven (7) commissioners appointed by the City Commission as the CRA, allowing for appointment of five (5) additional members, and appointing the Chair and Vice Chair of the CRA: All of the above Ordinances and Resolutions are attached as composite Exhibit 1.

The primary Florida Statutes governing CRA's are F.S. 163.356-Creation of CRA (Exhibit 2) and F.S. 163.357-Governing body as the CRA (Exhibit 3).

As to the appointment of a board to govern the CRA, F.S. 163.356(2) provides: "When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years..."

F.S. 163.357(1)(a) provides: "As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred."

The chair and vice-chair of the CRA Board are appointed by the City Commission F.S. 163.356(3)(c). Historically, the Lake Worth Beach CRA Board selects the chair and vice-chair, subject to the approval of the City Commission.

In 2019, the Florida Attorney General issued an opinion (AGO 2019-12) (Exhibit 4) that there is no statutory authority to transfer the power and authority of the CRA board to an independent board once it has been given to the governing body (City Commission). In that opinion, the Attorney General cites to different language in the relevant statutes, particularly that, in Section 163.356, F.S., the City Commission "shall, by ordinance" appoint a CRA board, with specific terms as set forth in F.S., at the time it adopts the resolution declaring the need for the CRA; and in Section 163.357, F.S., in the alternative, the City Commission "may, by resolution" declare itself (and up to two others) as the CRA board, at the time it adopts the resolution declaring the need for the CRA, or anytime thereafter.

There is some debate as to whether this Attorney General opinion, as to the ability to transfer the authority to a non-city commission board after the City Commission has assumed that responsibility, is correct. There is some argument to be made regarding the statutory construction, the methods of adoption (ordinance or resolution) and the consistency with other law prohibiting one governing board binding a future board.

As is noted above, Fla. Stat. Sec. 163.357 (1)(a) (which was also cited in AGO 2019-12) provides that the governing body "may, at the time of the adoption of a resolution...or at any time thereafter by adoption of resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred." The language of Sec. 163.357 anticipates and expressly authorizes the Commission to declare itself to be the agency, by resolution, at any time and declares the powers of the agency to vest in the Commission (under the above conditions). The City of Lake Worth Beach has previously made such transfers. Martin County did as well, changing the composition of the CRA board by

Ordinance each time. Similarly, the City of Boynton Beach has changed the compositions of their CRA Board.

You also inquired as to the creation and composition of the other CRAs in Palm Beach County. We have prepared the following chart to reflect this:

Municipality	Organizational Structure	Procedural History & Applicable Ordinances & Resolutions
Boca Raton CRA	City Commission	Res. 162-80
Boynton Beach CRA	City Commission (5) + non-binding advisory board of 7 members, appointed by Commission.	<p>1981 formation where City Council appointed 5 members with staggered terms via Res. 81-SS; Res. 82-BBBB expands previous blighted area; Res. 84-II expands area; Ord. 87-15 Repeals board size from 7 to 5 and appoints City Commission as CRA Board.</p> <p>Ord. 89-11 establishes two Community Redevelopment Agencies and two different districts. It also sets out the specific appointment of 5 members for 1 portion of one of those districts, the “Central Business District.”</p> <p>Ord. 90-21 consolidates the two Community Redevelopment Agencies into one CRA; Sec. 1 declares that the City Commission shall serve as the governing body for the CRA; and</p> <p>Sec. 5 provides that the previous appointments are vacated and that those who held positions on the Board are discharged;</p> <p>Sec. 8 reserves the right to create an advisory board to make non-binding</p>

		recommendations. Ord. 98-33 CRA plan approval
Municipality	Organizational Structure	Procedural History & Applicable Ordinances & Resolutions
City of Belle Glade CRA	City Commission	City Ordinance 03-08; Resolutions 03-01, 2399
CRA of the Town of Lake Park	7-member board – 5 Town Commissioners & 2 appointees; Town Manager serves as Executive Director (serving staggered 4-year terms)	See CRA Plan & Res.65-1996
Delray Beach CRA	7-member board with 5 City Commissioners & 2 Commissioner appointees	Appointed by City Counsel via Ord. 46-85
Lake Clarke Shores CRA	Town Council appoints themselves	Res. 16-03; 16-14
Northwood / Pleasant City CRA	City Commission “but strong consideration is given to the comments and recommendations of the CRA Advisory Board”	1993 formation. Res. 281-94; 282-94
Palm Springs CRA	Village Council plus 2 appointees	Res. 130-84; 2019-19; Ord. 35-4
Riviera Beach CRA	5 members of City Council	Sec. 24-22
Town of Jupiter CRA	5 Town Council Members	Created in 2003. Sec. 24-226; Ord. 60-01; Res. 98-01
West Palm Beach CRA	City Commission	Ordinance No. 1805-84 on September 10, 1984,

In addition to differences in the governing board, CRAs also differ in who serves as the Executive Director and staff. While some have the City Manager and City staff fill these rolls, many have a separate Executive Director and outside consultants filling the staff roles. I trust that the above is of assistance in providing an overview of CRA’s in general and of the Lake Worth Beach CRA. Of course, I will be available to answer any questions regarding this matter.

Sincerely,

Glen J. Torcivia
c: Carmen Davis
c: Juan Ruiz
c: William Waters
c: Joan Oliva

DRAFT