

Administrative Proposals & Recommendations Zoning Commission	property has received approval of a Special Exception subsequent to the passage of Ordinance No. 4-80, shall be required to obtain approval by the Town Council under the provisions of Section 6.40 (1) prior to being granted a new occupational license. This provision shall not apply to renewal of existing occupational licenses." Mr. Brisson explained the provisions were approved by the Zoning Commission, however, he would recommend that instead of "subsequent to the passage of Ordinance No. 4-80" they insert the date "after 3-31-80" which is the date Ord. No. 4-80 was adopted. Mr. Heeke recalled that in the event of a change of ownership or tenant, they have required they come back for all purposes to the Town Council, rather than the single purpose of Town-serving, and in that way they can look at the nature of the business coming into the Town for the overall good of the community. Mr. Moore suggested that the word "the" before "provisions" then be changed to "all". Mr. Heeke asked if adequate legal notice was provided if that change is made? Mr. Randolph believed the way this has gone forward is they have relating it specifically to item (1) and if that is the case, they are expecting to affect a vast number of other people, perhaps they have not given the adequate notice. Mr. Heeke believed that could be covered when they grant the Special Exceptions and this can be brought up again next year, so there was the proper advertising. Mr. Winterfield addressed the Council noting he had reservations about giving preferential treatment to non-conforming properties. He suggested that no Special Exception be allowed to take effect until after one change of ownership. Attorney Paul Prosperi addressed the Council on the over two thousand square foot requirement. Mr. Moore asked if the property to which he referred had been there since 1980? Mr. Prosperi advised it was there before 1980. Mr. Moore advised it was a non-conformity and may continue without revisiting the Council. Motion was made by Mr. Ilyinsky to approve Item 3 with an amendment to include "after 3-31-80" instead of "Ordinance No. 4-80" as recommended by the Zoning Commission. Seconded by Mr. WEinberg. On roll call, the motion carried unanimously. ITEM 4 - Mr. Moore indicated the Zoning Commission recommended disapproval of this item to amend Section 6.31 "General Regulations" by adding a new paragraph (L) to read: "The Town Council may permit, upon review, certain public service signs which are those to convey information of a Public Service nature, which originally had been in existence for a period of ten years or more. Signs not more than twenty square feet and not more than six feet above grade may be on public or private property in any zoning district for a period not to exceed ninety days." Mrs. Wiener recalled discussing this at a Town Council meeting and now this type of sign will be handled administratively. Mrs. Douthit moved that the recommendation of the Zoning Commission to disapprove the amendment of 6.31 (L) be approved. Seconded by Mr. Ilyinsky. ON roll call, the motion carried unanimously.
Any Other Matters	VII. ANY OTHER MATTERS: A. FINANCE & TAXATION COMMITTEE MEETING TO BE HELD ON MARCH 22, 1991. After discussion, a motion was made by Mr. Weinberg, seconded by Mr. Ilyinsky that the public input on the budget be rescheduled for 9 AM on April 9, 1991 before the monthly Town Council meeting. On roll call, the motion carried unanimously. After further discussion, a motion was made by Mr. Ilyinsky that the Finance & Taxation Committee Meeting scheduled for March 22, 1991 be cancelled. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.
Adjournment	VIII. ADJOURNMENT. Meeting was adjourned at 11:45 AM. Grace T. Peters Town Clerk
Roll Call	<u>TOWN COUNCIL MINUTES OF</u> <u>MARCH 12, 1991 HELD AT 5:01 PM</u> I. CALL TO ORDER AND ROLL CALL: President Heeke called the special meeting of the Town Council to order at 5:01PM on March 12, 1991 in the Town Hall Council Chambers. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Heeke, President Pro Tem Weinberg, Councilwoman Douthit, Councilman Ilyinsky, Councilwoman Wiener. Also attending were Mr. Doney, Mr. Randolph, Mrs. Peters, Mr. Moore, Mr. Frank and Mr. Zimmerman.
Approval of Agenda	II. APPROVAL OF THE AGENDA: Mrs. Wiener moved to approve the agenda as printed. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.
Public Hearing re: adoption of Comprehensive Plan Amendments	III. PUBLIC HEARING REGARDING ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS BY THE TOWN COUNCIL: A. PROOF OF PUBLICATION: Mrs. Peters advised the proof of publication has been received. B. TOWN COUNCIL CONSIDERATION OF THE RECOMMENDATIONS OF THE LOCAL PLANNING AGENCY REGARDING OBJECTIONS, RECOMMENDATIONS AND COMMENTS ON THE PROPOSED AMENDMENTS FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS. Mr. Doney advised this is the second reading of the Ordinance and the stipulated settlement agreement has been handled through Mr. Randolph's office with the Department of Community Affairs. Mr. Heeke recalled this has been handled at the first public hearing with regards to the background on this matter. C. COMMENTS AND QUESTIONS FROM THE PUBLIC: Mr. Heeke called for comments from the public and there were none forthcoming.
ORD. 2-91	D. SECOND READING OF ORDINANCE NO. 2-91 - ADOPTION OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN. Attorney Randolph read the Ordinance No. 2-91 by title: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENTS FOR THE TOWN OF PALM BEACH, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT AS AMENDED, BEING SECTIONS 163.3161 ETC FLORIDA STATUTES, ATTACHING AS EXHIBIT A, A COPY OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. Motion was made by Mr. Ilyinsky to adopt Ordinance No. 2-91 on second reading. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

IV. ADJOURN PUBLIC HEARING: Motion was made by Mr. Ilyinsky to adjourn this public hearing at 5:05 PM. Seconded by Mr. Weinberg. On roll call, the motion carried unanimously.

Grace T. Peters,
Town Clerk

Adjourn
Public
Hearing

I. CALL TO ORDER AND ROLL CALL. President Heeke called the special meeting of the Town Council on budget matters to order at 9:04 AM on April 9, 1991. On roll call, the following were found to be in attendance: Mayor Marx, President Heeke, President Pro Tem Weinberg, Councilwoman Douthitt, Councilman Ilyinsky and Councilwoman Wiener. Also in attendance were: Town Manager Doney, Town Attorney Randolph, Mr. Moore, Chief Terlizze, Cpt. Shetron, Lt. Riley, Chief Elmore, Asst. Chief Frazier, Lt. Price, Mr. Dusey, Mr. Bowser, Mr. Bitzer, Mr. Myers, Mr. McPhail, Mr. Jakubiak, Mr. Frank, Mrs. Peters and Mrs. Reedy.

Roll Call

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by Father Warren of Bethesda-by-the-Sea Church. Pledge of Allegiance was led by President Pro Tem Weinberg.

Invocation

III. APPROVAL OF AGENDA: Agenda was approved on motion of Douthitt/Ilyinsky. On roll call, the motion carried.

Approval of
Agenda

IV. STATUS OF CURRENT FY91 (10-1-90 - 9-30-91) GENERAL FUND AND OTHER FUND BUDGETS. Mr. McPhail indicated a packet of information was furnished the Mayor and Town Council and in general, on page 4, is a summary of revenues for the General Fund, broken down by the main categories, which indicate the non-tax revenues are estimated to be about one to one and one half per cent higher than budgeted and the tax revenues are down slightly because of a decrease in taxable valuations, which were not received until after the Budget was adopted. He felt that overall, the General Fund Revenues will be within \$30,000 from what was projected, through this five month period.

Status
of Current
FY91 Gen.
Fund & Other
Fund Budgets

Mr. McPhail reported that State Revenues, comprised of sales tax, gasoline tax, and State Revenue Sharing are down and he projects they will be down approximately \$75,000 this year and next year, that figure will be approximately \$100,000 due to the economy we are now in, and secondly because of the population change from the Bureau of the Census, the Town's population is a smaller percentage of the County and all of these revenues are population-driven, which means our percentage will be lower and that means getting smaller amount of State shared revenues.

Mr. McPhail indicated the utilities and franchise taxes are generally as projected and the licenses and permit fees are as projected, however, this is only for a five month period. He believed the revenues will approach the amounts budgeted, however, for next year, the State Revenue will be down. He stated interest earnings at this point will be as budgeted, but they may be down slightly.

Mr. McPhail referred to Page 6, which showed the actual expenditures for the past three years and the budget for this year as well as the projections for this year. He stated they are projecting they will spend approximately 98% of their budget, which indicates they are doing a good job in budgeting as they are spending what they need to maintain the programs authorized. He felt they have been conservative and General Fund-wise, should again be as anticipated and at this time, he is not anticipating any major changes.

Mr. McPhail referred to Page 8, which shows the other funds which the Town operates and basically, they are pretty much as budgeted, however on the Self-Insurance Fund at this point the claims are high and they will meet their Stop-Loss, which is 25% higher than what has been estimated for claims, and if that is the case, there may be needed \$750,000 to \$800,000 or more next year to make the Group Insurance portion of the fund actuarially sound. He pointed out two things have to be done, one is to catch up for last year's dip into the reserves but also provide for this year's dip into the reserves plus next year's projected claims. He did not believe over the past few years, there has been the big jump in insurance fees, which other municipalities have experienced, and he thought they were fortunate to not have had to deal with that.

He noted the Capital Improvement Fund is the fund for major projects and the Parking Fund, the Golf Course Fund and the Marina Fund are the Enterprise Funds. The Bond Fund has in it what was left after they have built the Police Station and renovated the North Fire Station.

Mr. McPhail pointed out a chart has been prepared which shows the taxing rate for all of the governmental authorities and the Town's portion of a person's tax bill is decreasing each year and it represents 22% of the total tax bill and the other Funds are such as the School Board, the County Commission, Health Care District, Inland Navigational District, Flood Control etc. He stated on Page 10 is a graph on the taxable value in the County and in the Town over the past few years, and the increases each have experienced. He stated the Town's taxable valuation last year was up four per cent and the Town's taxable valuation represents a little under eight per cent of the County's taxable valuation. He stated the next pages are the Budget Calendar for the year and he has covered the State shared revenues, which are projections.

Mr. Heeke asked if this was the last year of the installment payment for the computer of \$100,000 to which Mr. McPhail responded the last installment is next fiscal year.

Mayor Marx commented that while this meeting is to discuss budget matters, they have not yet planned the time to discuss finance matters. She noted they are speaking today of what has been received and spent to date and what is projected for this fiscal year but we have not addressed the tomorrows. She stated they all know the State is in dire trouble financially, the County is trying to cut their expenses to meet the financial problems, the School system is planning reductions, the Sheriff has budget problems and she strongly believes that with advanced planning these problems could have been avoided or at least lessened. She strongly believed if there are not proper plans in place, the Town will face similar difficulties. She knows there are many huge expenses coming to us, the water - the beach renourishment, etc., and inflation and for many of the Town's residents, much lower revenues due to lower interest rates. She did not believe the budget should be adjusted upwards without a long range plan of some kind. She and Mr. Doney attended a seminar on right-sizing and it was exceedingly interesting and gave many ideas to be discussed, followed up or broadened and she believed they owed it to their taxpayers to devote the time and analyze the financial future of this Town and not just let it happen as had other governmental organizations. She was not talking about what has been looked at for this year as most of the things she has been reading has been saying they should have some idea of where they are going for the next five years.

Mr. Heeke pointed out a portion of this they try to do with the Capital Improvement Plan, but he agreed they don't look at five year or multi year forecasts and he suggested this be a separate topic of the Finance & Taxation Committee meeting and he requested Mr. McPhail and Mr. Doney get together and consider how best that could be handled.

Mr. Doney indicated there were many issues at the seminar to which the Mayor referred and some are applicable and it will be beneficial to discuss some of the issues as there are a lot of opportunities and a lot of opportunities and a lot of alternatives. Mayor Marx recalled there was lots of material distributed and she recently had an opportunity to pour over it in great detail and she has some strong ideas which she has noted and she believed it would be a good basis for the Council to go through it as this is a very important matter.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>HEEKE BERNARD ALLEN</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Palm Beach Town Council</i>	
MAILING ADDRESS <i>124 Secubreez Avenue</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	CITY COUNTY OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>March 13, 1991</i>		NAME OF POLITICAL SUBDIVISION: <i>Palm Beach - (Town)</i>	
		MY POSITION IS: <u>ELECTIVE</u> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

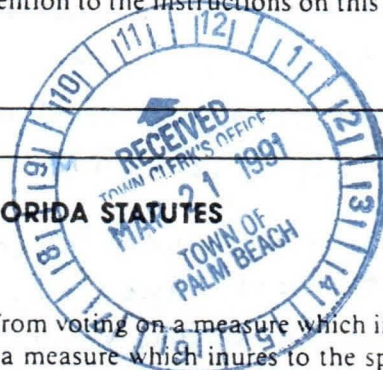
APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.



IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Bernard A. Heefce, hereby disclose that on March 12, 1991:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of First National Bank in Palm Beach (Southeast Bank NA), by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

at the March 12, 1991, Town Council meeting, I voted on an issue involving First National Bank in Palm Beach (Southeast). My vote was contrary to the Bank's position on that issue. That particular Town Council meeting did not adjourn until well after 8:00 p.m. The next morning, at my law firm, I became aware and was reminded the firm's litigation section, of which I am not a member, was representing the Bank on at least one pending matter. I immediately notified the Town Attorney for his advice. During a meeting on March 20, 1991, he and I had only a few minutes to confer during which he advised we needed to discuss the matter upon his return to town as there may have been a conflict of interest concerning my vote and the need to file this notice. The advice of the Town Attorney is there was an apparent conflict of interest concerning that vote and this disclosure should be made.

March 21, 1991

Date Filed

Bernard A. Heefce

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

JONES, FOSTER, JOHNSTON & STUBBS, P.A.

ATTORNEYS AND COUNSELORS

FLAGLER CENTER TOWER

505 SOUTH FLAGLER DRIVE

ELEVENTH FLOOR

P. O. DRAWER E

WEST PALM BEACH, FLORIDA 33402-3475

(407) 659-3000

FAX: (407) 832-1454

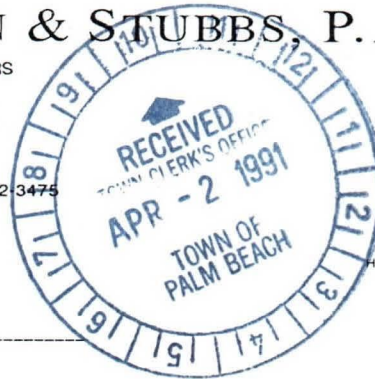
APR 01 1991

LARRY B. ALEXANDER
VINCENT J. ALTINO
GEORGE H. BAILEY
KEVIN C. BEUTTENMULLER
MICHAEL D. BROWN
RUTH P. CLEMENTS
SCOTT M. COLTON
JOYCE A. CONWAY
MARGARET L. COOPER
BYRON R. CORNWELL
REBECCA G. DOANE
RANDY D. ELLISON
L. MARTIN FLANAGAN
LORI E. HANDELSMAN
SCOTT G. HAWKINS
THORNTON M. HENRY
PETER S. HOLTON
REBECCA F. HUHTA
J. A. JURGENS
MARK B. KLEINFELD
CHARLES B. KOVAL

MICHAEL T. KRANZ
JOHN M. LEROUX
JOHN BLAIR MCCRACKEN
PAMELA A. MCNIERNEY
TIMOTHY E. MONAGHAN
GUYNABIDEAU
JOHN C. RANDOLPH
PAULA REYNE
ANDREW ROSS
STEVEN J. ROTHMAN
PETER A. SACHS
ANDREA J. SAFKO
JOEL T. STRAWN
SIDNEY A. STUBBS, JR.
ALLEN R. TOMLINSON
JOHN S. TRIMPER
SANDY M. VANSTRUM
MICHAEL P. WALSH
H. ADAMS WEAVER
PAUL C. WOLFE

WRITER'S DIRECT LINE:

4/1
RJD



R. BRUCE JONES
1904-1988

HENRY F. LILIENTHAL
1902-1982

HARRY ALLISON JOHNSTON
1895-1983

RETIRED
WILLIAM A. FOSTER

OTHER LOCATION

54 N.E. FOURTH AVE
DELRAY BEACH, FLORIDA 33483

March 28, 1991

XC Mayor and Town Council
Peters
Moore

To PBE,
then file

Mr. Robert J. Doney
Town Manager
Town of Palm Beach
Post Office Box 2029
Palm Beach, Florida 33480

RE: Town of Palm Beach
Disclosure of Local Officer's Interest
March 21, 1991 - Bernard A. Heeke
Our File No. 13156.8

Dear Bob:

I have reviewed the above referenced form which was filed by Mr. Heeke. It is my understanding that this form was filed by Mr. Heeke, out of an abundance of caution, after conferring with me, in the event it were determined that his vote constituted a conflict of interest. ✓

I have discussed with Mr. Heeke the circumstances surrounding his vote and have been advised that at the time of the vote Mr. Heeke was not aware that his law firm was at the time representing First National Bank in Palm Beach (Southeast). Because he was not aware, Mr. Heeke did not "knowingly" vote in his official capacity upon a measure which inured to the special gain of a principal by whom he was retained. ✓

The applicable Florida Statute relating to this matter is Section 112.3143(3) which states in part as follows: ✓

"No county, municipal, or other local public officer shall vote in his official capacity upon any measure which inures to his special private gain or shall knowingly vote in his official capacity upon any measure which inures to the special gain of any principal, . . . by whom he is retained."

Mr. Robert J. Doney
March 28, 1991
Page 2

In addition to discussing this matter at some length with Mr. Heeke, I have conducted independent legal research and have further conferred with staff members of the Commission on Ethics for the State of Florida. Based upon the facts represented to me, the research I have completed, and my conversations with staff at the Commission on Ethics, I am of the opinion that because Mr. Heeke did not "knowingly" vote on a measure which inured to the special gain of a principal by whom he was retained, there is no conflict of interest. ✓

Mr. Heeke, in his disclosure form, indicated he was filing the form because of what he was advised was an "apparent" conflict of interest. Upon further review, it does not appear there was an actual conflict of interest. ✓

Sincerely,



John C. Randolph

JCR/ssm

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ILYINSKY PAUL (R)		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council of the Town of Palm Beach	
MAILING ADDRESS 270 ALGOMA RJ. PALM BEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH		CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY ☐	
COUNTY 33480		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 3-12-91		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Paul R. Ilyinsky, hereby disclose that on March 12, 1991:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

My wife is on
the Board of
Directors of the
Bank.

Date Filed 3-12-91

Signature Paul R. Ilyinsky

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